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(2) *Definitions.* "Shipper" means any person to whom a bill of lading or manifest is issued, or, in cases where these are not issued, any person who authorizes the shipment of a commodity.

(b) *Restrictions—(1) Manufacture and assembly of containers.* No person shall commercially manufacture or assemble any wooden shipping container which does not meet the specifications of any of the several tables of Schedule A applicable to that kind of container. The restrictions of this paragraph shall not apply to barrels.

(2) *Manufacture of container parts.* No person shall commercially manufacture any wooden parts designed for any wooden shipping container which, when assembled, will not conform with the specifications of any of the several Tables of Schedule A applicable to that kind of container.

(3) *Coloring.* No manufacturer, dealer in, or commercial user of wooden shipping containers shall dye, stain, or otherwise color containers or parts.

(4) *Printing.* All stamping, printing and labeling, unless otherwise required by law, shall be placed on only one outside surface of any wooden shipping container covered by the Schedules of this order, whether it be an end, a side, bottom, top or cover. The restrictions of this paragraph (b) (4) shall not apply to paper, labels or markings which only:

(i) State the capacity of the container in terms of whole or fractional pints, quarts, pecks, or bushels; or

(ii) in the case of baskets and hampers are identifying markings provided for in regulations of the Secretary of Agriculture issued under the United States Standard Container Act of 1928; or

(iii) are designed for the purpose of encouraging salvage and reuse of the container, provided the label or printing does not include the name, brand,

trade-mark or other reference to any person, firm, partnership or corporation.

NOTE: Former paragraph (b) (5) redesignated (c), former paragraphs (c) through (f) redesignated (d) through (g) Sept. 8, 1943.

(c) *Restrictions on packing and shipping.*

(1) No person shall commercially ship in any wooden shipping container any of the commodities listed in Table I of Schedule B. This shall not, however, restrict the shipment of any commodity listed which has already been packed on the date it was included in this Table.

(2) No person shall commercially pack for shipment in any calendar or seasonal year, whichever is specified, any commodity listed in Table II of Schedule B in wooden shipping containers, to an extent greater than the designated percentage of that commodity that he packed for shipment in wooden shipping containers in the specified base period.

(3) Except as permitted by this paragraph, no person shall ship in wooden shipping containers during any calendar or seasonal year, whichever is specified, any commodity listed in Table II of Schedule B (whether such commodities were packed by himself or received by him from growers or other packers) to an extent greater than the designated percentage of that commodity that he shipped in wooden shipping containers for the same grower or packer during the base period. Any grower or other packer may change his shipper. Any shipper may increase the amount of any commodity which he may ship for any grower or other packer, to the extent that the excess results from a change of shippers by the grower or packer. However, he may do this only if he reports by letter to the War Production Board, giving the name and address of the former shipper, the commodity, and the amount of the commodity which was shipped through the former shipper in the base period. This report shall be filed within ten (10) days after the transfer of the quota, or if the transfer shall have taken place before September 8, 1943, then within ten (10) days after September 8, 1943.

Where a grower or packer does his own shipping he shall not have a separate quota in his capacity as grower and as shipper; and where a grower or packer changes his shipper so that he may do his own shipping, he must file the report called for in this paragraph (c) (3).

(4) *Exceptions.* The restrictions contained in paragraphs (c) (2) and (3) shall not apply to a person who in any calendar or seasonal year, whichever is specified, does not pack for shipment or ship more than 30,000 lbs. or one carload of a commodity, whichever is the lesser.

(d) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to

the particular provision appealed from and stating fully the grounds of appeal.

(e) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction, may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(f) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to War Production Board, Containers Division, Washington 25, D. C., Ref.: L-232.

(g) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

NOTE: The reporting requirements of paragraph (e) (3) has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 8th day of September 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A—SPECIFICATIONS FOR WOODEN SHIPPING CONTAINERS

TABLE I—HAMMERS, BASKETS, BERRY CUPS FOR FRESH FRUITS AND VEGETABLES

(a) Specifications for the types and dry capacities of permitted hampers, baskets, and berry cups are as follows:

Type—(1)	Dry capacity (2)
1. Hampers	½, ¾, 1 bu.
2. Round stave baskets	½, 1 bu.
3. Splint baskets	8, 12, 16, 24, 32 qts.
4. Climax baskets	4, 12 qts.
5. Till baskets	1, 2, 3, 4 qts.
6. Berry cup	½, 1 pt., 1 qt.

(b) *Exceptions.* The restrictions of paragraph (b) (3) and (4) of this order and of paragraph (a) above shall not apply to:

(1) The manufacture or assembly of wooden shipping containers referred to in this Table by any person from wooden parts cut to size by him before March 4, 1943, provided such manufacture or assembly is completed by August 31, 1943;

(2) The assembly of wooden shipping containers referred to in this table by any person from cut-to-size wooden parts bought and received by him before April 1, 1943, provided such assembly is completed by August 31, 1943.

(c) "Hamper", "round stave basket", and "splint basket" have the same meanings as in rules and regulations¹ of The Secretary of Agriculture issued under the United States Standard Container Act of 1928.² "Climax basket", "till basket", and "berry cup" mean baskets and containers of the type subject to rules and regulations³ of The Secretary of Agriculture issued under the United States Standard Container Act of 1916, as amended.⁴

¹ U. S. Department of Agriculture Service and Regulatory Announcements No. 116, as amended.

² 45 Stat. 685; 15 U.S.C. 257.

³ U. S. Department of Agriculture Service and Regulatory Announcements No. 104, revised.

⁴ 39 Stat. 673; 15 U.S.C. 251.

⁵ 45 Stat. 930; 15 U.S.C. 251.

TABLE II—WOODEN SHIPPING CONTAINERS FOR FRESH FRUIT AND VEGETABLES

Usual name (1)	Inside depth (inches) (2)	Inside width (inches) (3)	Inside length (inches) (4)
1. Apple box	10½	11½	18
2. Apple box	11	12½	16
3. Apple box	11	13	17
4. Apricot lug	4½	12½	16
5. Artichoke box	9½	11	20½
6. Asparagus crate	10½	9 or 9½ top, 11 bottom	17½ or 18
7. Asparagus crate	12½	9½ top, 10½ bottom	17½
8. Asparagus crate	11	9½ top, 12 bottom	16½
9. Avocado box	4½	13½	16
10. Berry crate	2½	16½	21½
11. Berry crate	2½	13½	18
12. Berry crate	3½ or 8½	13½	18
13. Berry crate	9 or 9½	9	18
14. Berry crate	7½	11	22
15. Berry crate	0	11	22
16. Berry crate	11	11	21½ to 22
17. Bushel crate	12	12	15
18. Cantaloupe pony crate	11	11	22
19. Cantaloupe standard crate	12	12	22
20. Cantaloupe jumbo crate	13	13	22
21. Cauliflower crate	8½	18	21½ to 22
22. Cauliflower crate	12½	14½	23
23. Celery crate	20	11	20½
24. Celery crate	9½	10	20
25. Celery crate	10	16	22
26. Celery crate	5½	18	12½
27. Cherry, apricot, prune lug	3½	11½	14
28. Cherry, apricot, prune lug	3½	10½	14
29. Cherry, apricot, prune lug	3½	10½	15
30. Cranberry box	9½	10½	15
31. Cranberry box	9½	11	13½ ^{6a}
31a. Date box	2½	13½	16
32. Fig box	1½	11	16
33. Fruit box	3	11½	16
34. Fruitt box	4	11½	16
35. Fruit box	4½	11½	16
36. Fruit box	5	11½	16
37. Four-basket crate	4½	16	16
38. Four-basket crate	4½	16	16
39. Four-basket crate	4½	16	16
40. Four-basket crate	5	16	16
41. Honey dew standard crate	6½	16	22
42. Honey dew jumbo crate	7½	16	22
43. Lemon box	9½	13	25
44. Lettuce crate	13½	17½	21½ to 22
45. Lime box	6	12	12
46. Lug box	5½	13½	16
47. Lug box	4½	13½	16
48. Lug box	3½	13½	16
49. Melon crate	6½	12	22
50. Melon crate	7½	14	22
51. Orange and grapefruit box	11½	11½	24
52. Orange and grapefruit box	12	12	24
53. Half orange and grapefruit box	9½	9½	19
54. Pear box	8½	11½	18
55. Half pear box	5½	11½	18
56. Pear lug	6½	13½	20½
57. Pepper crate	13½	11	22
58. Produce box (1 bushel)	7½	17½	17½
59. Produce box (½ bushel)	7½	12½	12½
60. Pineapple crate	10½	12	33
61. Rhubarb box	9	11½	24½
62. Rhubarb box	3½	11½	24½
63. Sweetpotato crate	12½	12½ top 13½ bottom	15 top, 16 bottom
64. Sweetpotato crate	12	12	16½
65. Vegetable crate	13	17½	21½ to 22
66. Vegetable crate	9	13	21½ to 22
67. Vegetable crate	8	12	22
68. Vegetable crate	7½	15 or 15½	18½

¹ The inside depth of this box may be increased up to 11½", either by the addition of cleats of any thickness or by the use of a solid end.

² The inside depth of this box may be increased up to 7½" by the addition of cleats of any thickness or by the use of a solid end.

³ Wherever an asterisk appears, cleats may be used for such items, as provided for in paragraph (c) of the text of Table II.

(a) The designation in column (1) of Table II is merely for identification and shall not be construed as restricting usage. 'Inside width' and 'Inside depth' of the container are the width and length, respectively, of the end pieces or end frames, exclusive of any cleats. 'Inside length' of the container shall be its outside length minus the combined thickness of both ends and of the center piece (if any).

(b) An optional variation of up to ½" under or up to ¼" over the specified inside lengths is allowed. A tolerance of up to ½", plus or minus, in the specified inside depths and inside width is allowed for shrinkage and manufacture.

(c) No cleats may be so used as to increase inside dimensions except where an asterisk appears in Column (1) of Table II or where, and as, specified in any footnote after that table. Where an asterisk appears in Column (1) of Table II, one or more cleats of ¼",

¾", ½", ¾", ½", 1½", or ¾" thickness may be attached to the top of each end piece, or end frame, provided such cleat or cleats do not increase the inside dimensions of the container by more than the specified thickness of the cleat or cleats.

(d) *Exceptions.* (1) The restrictions of paragraphs (b), (3) and (4) of this order and of this Table II shall not apply to:

(i) The manufacture or assembly of wooden shipping containers by any person from wooden parts cut to size by him before March 4, 1943; provided, such manufacture or assembly is completed by August 31, 1943;

(ii) The assembly of wooden shipping containers by any person from cut-to-size wooden parts bought and received by him before April 1, 1943; provided, such assembly is completed by August 31, 1943;

(2) The restrictions of this Table II shall not apply to the manufacture or assembly of wooden shipping containers, or the manu-

facture of wooden parts for wooden shipping containers, to be delivered:

(1) To or for the account of the Army, the Navy, the Coast Guard, the Maritime Commission, the War Shipping Administration, or the Department of Agriculture (for Lend-Lease purposes), provided, the government agency's specifications require wooden shipping containers which do not comply with Table II.

(2) To any person for use in packing fresh fruits or vegetables for delivery to or for the account of such government agencies; provided, the government agency's specifications require wooden shipping containers which do not comply with Table II; and provided further, such person furnishes the container or container-parts supplier with a written certification in substantially the following form, signed by an authorized official, either manually or as provided in Priorities Regulation No. 7;

"This is to certify that specifications of orders received by the undersigned from (designate government agency) require wooden containers not conforming with Order L-232. The material ordered herewith is for that purpose only.

Company _____
By _____
Title _____ Date _____"

Such certification shall constitute a representation to the supplier and to the War Production Board as to the truth of the facts stated therein. The supplier may rely upon such representation unless he has knowledge or reason to believe that it is not true.

TABLE III—WOODEN SHIPPING CONTAINERS FOR DRESSED CHICKENS & TURKEYS

Chicken boxes (approximate weight)	Inside length (inches)	Inside width (inches)	Inside depth (inches)	
(1)	(2)	(3)	(4)	
101. 36 lbs.	18	14	7 $\frac{1}{4}$	
102. 42 lbs.	19	14 $\frac{1}{2}$	7 $\frac{1}{2}$	
103. 48 lbs.	20	15 $\frac{1}{2}$	7 $\frac{1}{2}$	
104. 54 lbs.	21	16 $\frac{1}{2}$	7 $\frac{3}{4}$	
105. 60 lbs.	22	17	8	
106. 72 lbs.	24	18	8 $\frac{1}{2}$	
TURKEY BOXES				
111. Small	28	24	6 $\frac{1}{4}$	
112. Large	32	28	7 $\frac{1}{4}$	
113. Very large	31	19	8	
114. West Coast	30	22	8 $\frac{1}{2}$	

(a) *Exceptions.* The restrictions of paragraph (b) (3) and (4) of this order and of this Table III shall not apply to:

(1) The manufacture or assembly of wooden chicken and turkey boxes by any person from wooden parts cut to size by him before July 30, 1943, provided such manufacture or assembly is completed by September 30, 1943;

(2) The assembly of wooden chicken and turkey boxes by any person from cut-to-size wooden parts bought and received by him before August 15, 1943, provided such assembly is completed by September 30, 1943.

SCHEDULE B—RESTRICTIONS IN USE OF WOODEN SHIPPING CONTAINERS

TABLE I—COMMODITIES WHICH MAY NOT BE SHIPPED IN WOODEN SHIPPING CONTAINERS

Soda Ash
Bicarbonate of Soda

(a) The restrictions of this Table I shall not apply to shipments (1) to the Army or Navy, (2) to a destination outside of the 48 States, the District of Columbia or Canada.

TABLE II—COMMODITIES WHOSE SHIPMENT IN WOODEN SHIPPING CONTAINERS IS RESTRICTED

Commodities:	Shipping quota
Juice grapes ¹	50% of 1942.
Table grapes: ²	
Thomson, 100% of 1942.	
Muscat, 100% of 1942.	
Sultana, 100% of 1942.	
Zante Currant, 100% of 1942.	
All other varieties, 110% of 1942.	

NOTE 1: Juice grapes are grapes of the following varieties:

Alicante Bouschet
Alicante Ganzin
Aramon
Barbera
Beclan
Black Prince
Carbernet Sauvignon
Carignane
Charbono
Crabb's Black Burgundy
Friesa
Gamay
Grand Noir
Grenache
Grignolino
Gros Colman
Lenoir
Limberger
Malbec
Malvoisie
Mataro
Mission
Mondeuse
Mourastel
Nebbiola
Petit Bouschet
Petite Sirah
Portuguese Blue
Ribier
Salvador
St. Macaire
Tannat
Teoulier
Trousseau
Valdepenas
Zinfandel

NOTE 2: In the case of Thomson, Muscat, Sultana and Zante Currant variety of table grapes, the shipping quota is limited to each of these varieties, and in the event that the quantity of each of these varieties is insufficient to fill the quota, no other variety of grape may be shipped as part of that quota.

[F. R. Doc. 43-14980; Filed, September 13, 1943; 4:33 p. m.]

construction could not be started if the cost, as defined in Limitation Order L-41, was over \$1,000, and since it failed to ascertain for itself that this cost of construction was far in excess of that amount, the beginning and carrying on of this construction by Stork Club, Inc. has been deemed a wilful violation of Limitation Order L-41. In view of the foregoing, *It is hereby ordered*: That:

§ 1010.435 *Suspension Order No. S-435.* (a) Neither Stork Club, Inc. nor any other persons shall order, purchase, accept delivery of, withdraw from inventory, or in any other manner secure or use any material or construction plant in order to continue or complete construction of the premises situated at the northeast corner of Geary and Mason Streets, San Francisco, California, in the building known as the Fielding Hotel, unless hereafter specifically authorized in writing by the War Production Board

(b) Nothing contained in this order shall be deemed to relieve Stork Club, Inc. from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on September 13, 1943.

Issued this 13th day of September 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-14982; Filed, September 14, 1943; 9:19 a. m.]

PART 1176—IRON AND STEEL CONSERVATION

[Amend. 1 to Conservation Order M-126, as Amended August 10, 1943]

Section 1176.1 *General Conservation Order M-126* is hereby amended:

(a) By amending the lines of List A which now read:

Gutters, spouting, conductor pipe and fittings for dwellings two stories or less in height except when the installation has been approved by the National Housing Agency.

By striking out the words "National Housing Agency" and inserting in their stead the words "War Production Board."

(b) By amending the lines of List A under the heading "Plumbing and heating equipment" which now read:

Gas fired furnace-burner units—except as may be permitted under Limitation Order L-22-a.

Oil fired furnace-burner units—except as may be permitted under Limitation Order L-22-a.

By changing "Limitation Order L-22a" to "Limitation Order L-22."

(c) By changing the lines of List A which now read:

Roofing and siding—(1) except for roofing of railroad freight and passenger cars, street cars and busses; and (2) except for other purposes but only when Bessemer processed steel is used.

To be and read as follows:

Roofing and siding—(1) except that Bessemer processed steel may be used in the manufacture of roofing and siding for all purposes, including maintenance and repair, if in accordance with applicable orders of the War Production Board; and (2) except that any type of iron or steel may be used in the manufacture of roofing and siding for railroad freight and passenger cars, street cars and busses, including their maintenance and repair.

(d) By amending the line of List A which now reads:

Smokers' accessories.

To be and read as follows:

Smokers' accessories—except pipe cleaners.

(e) By amending the line of List A which now reads:

Swivel chairs.

To be and read as follows:

Swivel chairs—except casters.

(f) By amending the lines of List A which now read:

Thermos jugs and bottles over one quart size.

To be and read as follows:

Thermos or insulated jugs and bottles over one quart size.

Issued this 14th day of September 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-15010; Filed, September 14, 1943; 11:38 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN
[Interpretation 17 to CMP Regulation 1]

COPPER FLAKE POWDER

The following interpretation is issued with respect to CMP Regulation 1:

Copper or copper-base alloy powder, is listed in Schedule I of CMP Regulation No. 1 as a controlled material. This listing does not cover flake powder. Consequently, copper or copper-base alloy flake powder is not a controlled material. However, it continues to be governed by the provisions of Orders M-9-b and M-9-c and other applicable orders of the War Production Board.

Issued this 14th day of September 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-15011; Filed, September 14, 1943; 11:38 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN
[Interpretation 18 to CMP Regulation 1]

ANALYSIS OF ORDERS BY CLAIMANT AGENCY SYMBOLS—SECTION A OF FORM CMP-4B

The following interpretation is issued with respect to CMP Regulation 1:

(a) A person applying for an allotment on Form CMP-4B is required to show in Section

A of the form an analysis of his orders or shipments by Claimant Agency symbols. The applicant must analyze his orders on the basis of the Claimant Agency symbols appearing on his customers' orders. Where no Claimant Agency symbol appears on a customer's order, the order must be reported under "unidentified".

(b) An applicant must not, in any case, attempt to trace the ultimate end-use of his product for the purpose of filling out Section A of Form CMP-4B. For example, if he receives an order with a preference rating bearing the symbol "B-1", he should report this under the symbol "B" even if he knows that that particular order is for a component of a product that eventually will be sold to the Navy. Or, if he receives an order with a preference rating but no Claimant Agency symbol, he should report this under "unidentified", even if he knows that that particular order is for a component of a product that eventually will be sold to the Navy.

(c) A person who receives a rated order must accept and fill it in accordance with Priorities Regulation No. 1 whether it is identified by a Claimant Agency symbol or not. He does not have the right to assume that his customer is required to show a symbol on his order since in many cases it is not necessary to show a Claimant Agency symbol in applying or extending a rating. There is no reason, however, why a person should not inform his customers of the provisions of paragraph (1) of CMP Regulation No. 3 (see Interpretation No. 3 to CMP Regulation No. 3) and paragraph (2) of CMP Regulation No. 6 which require the compulsory use of Claimant Agency symbols for purposes of identification on certain rated orders.

Issued this 14th day of September 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-15012; Filed, September 14, 1943; 11:38 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN
[Direction 3 to CMP Regulation 3]

ALLOTMENT SYMBOLS ON RATED ORDERS PLACED BY PROCURING CLAIMANT AGENCIES

The following direction is issued pursuant to CMP Regulation 3:

For purpose of identification rated orders placed by procuring Claimant Agencies must be accompanied by an appropriate allotment symbol, even though the item purchased is not programmed and is not purchased under the Controlled Materials Plan. For instance, if a local procuring officer of the Army purchases a B product by use of a PD-3A, assigning preference rating AA-1, the preference rating must be identified by an allotment symbol such as "W-1".

Issued this 14th day of September 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-15013; Filed, September 14, 1943; 11:38 a. m.]

PART 3293—CHEMICALS¹
[General Preference Order M-154, as Amended
Sept. 14, 1943]

THERMOPLASTICS

§ 3293.186¹ General Preference Order No. M-154—(a) Definitions. For the

¹ Formerly Part 1233, § 1233.1.

purpose of this order "thermoplastics" means the synthetic resins and cellulose derivatives listed below, whether plasticized or unplasticized (except in the case of ethyl cellulose and cellulose nitrate), in their various primary unfabricated forms such as sheets, rods, tubes, shapes, slabs, pellets, powder, solutions, emulsions, and flake, and whether virgin or scrap, but not including yarn or textiles, coated or substrated photographic film or film scrap, or cellulose film up to .003" in gauge:

- (1) Cellulose acetate butyrate.
- (2) Cellulose acetate.
- (3) Plasticized cellulose nitrate, except that used in explosives and protective coatings.
- (4) Plasticized ethyl cellulose.
- (5) Polymers and copolymers of styrene, except styrene copolymerized with butadiene.
- (6) First grade polymers of the methyl and higher esters of acrylic and methacrylic acids.

(b) *Restriction on use.* (1) No person shall use thermoplastics in the manufacture of articles set forth in Exhibit A annexed, regardless of preference ratings.

(2) No person shall use in the manufacture of any article not set forth in Exhibit A annexed more thermoplastics than are necessary to accomplish the functional purpose of the article, and no person shall use any quantity of thermoplastics in the manufacture of decorative attachments for any article.

(c) *War use exemption.* Nothing contained in paragraph (b) (1) above shall apply to use of thermoplastics by the United States Army, Navy, Coast Guard, Maritime Commission or War Shipping Administration, or by any person pursuant to the terms of any contract or order for thermoplastics or articles made therefrom, where such thermoplastics or articles are to be delivered to, or incorporated into products to be delivered to, the aforesaid agencies, provided that such use is expressly made subject to war use exemption in Exhibit A annexed.

(d) *Existing stocks exemption.* Notwithstanding the provisions of paragraph (b) (1) above, any person may use, in the manufacture of any article set forth in Exhibit A annexed, thermoplastics which:

(1) Were owned by him and were not in the possession of this supplier on the effective date of restriction on the article, or

(2) Were owned by him and were stored with his supplier to comply with fire prevention regulations, on the effective date of restriction on the article, or

(3) Were in the possession of this thermoplastics supplier and, on his purchase order, had been so processed prior to the effective date of restriction on the article as to render impracticable the use of the thermoplastics in a manner not subject to restriction by this order, or

(4) In the case polymers of methyl and higher esters of acrylic and methacrylic acids, were specifically authorized in writing by the War Production Board prior to September 14, 1943 for use in

the manufacture of the restricted article.

(e) *Scrap exemption.* The provisions of paragraph (b) (1) above shall not apply to the use of scrap resulting from the processing or fabrication of thermoplastics: *Provided, however,* That no person shall use or deliver thermoplastics scrap resulting from his own operations unless:

(1) Such scrap is not of a quality to permit its reuse in the operation or product from which it was obtained, and

(2) The quantity of such scrap does not exceed 15 percent of the quantity of thermoplastics from which it was obtained.

(f) *Notification of customers.* Producers of thermoplastics are requested to notify each of their regular customers as soon as practicable of the requirements of this order as amended, but failure to receive such notice shall not excuse any person from complying with the terms hereof.

(g) *Miscellaneous provisions—(1) Applicability of regulations.* This order and all transactions affected hereby are subject to all applicable provisions of War Production Board regulations, as amended from time to time.

(2) *Effect of other orders.* Nothing in this order contained shall be construed to permit the manufacture of any item or of units of any item if the manufacture of said item has been prohibited or curtailed by the terms of any other War Production Board order, heretofore or hereafter issued.

(3) *Reports.* Each person affected by this order shall file such reports as may from time to time be required by the War Production Board.

(4) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making, or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(5) *Appeals.* Appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

Where the basis of the appeal is the quality or condition of the thermoplastic, the appeal should be accompanied by a statement by the holder of the material describing its quality or condition.

(6) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War

Production Board, Chemicals Division, Washington 25, D. C., Ref: M-154.

Issued this 14th day of September 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
* Recording Secretary.

EXHIBIT A

Item	Effective date of restriction	Effective date of restriction
Advertising specialties and other items used for advertising purposes, and miscellaneous novelties.	Sept. 1, 1942	Sept. 1, 1942
Amusement machines and parts.	Sept. 1, 1942	Sept. 1, 1942
Animal feeding dishes and cups.	Mar. 26, 1943	Mar. 26, 1943
Artificial fingernails.	Sept. 1, 1942	Jan. 9, 1943
Artificial flowers, flower pots, and florists supplies, including plant markers.	Sept. 1, 1942	Jan. 9, 1943
*Automobile accessories, but not including standard equipment.	Mar. 26, 1943	Mar. 26, 1943
Baby carriage parts.	Sept. 1, 1942	Sept. 1, 1942
Baby rattles, teething rings and pacifiers.	Mar. 26, 1943	Sept. 1, 1942
*Badges, emblems and campaign buttons, except the following:	Jan. 9, 1943	Jan. 9, 1943
Personal identification required by governmental agencies, personnel and plant identification for industrial use, tags and badges required for tax purposes by state and municipal governments, public safety personnel of state and municipal governments.		
Barber shop lather dispensers.	Jan. 9, 1943	Jan. 9, 1943
Bathroom fixtures:		
*Accessories, such as toothbrush holders, drinking cups, shower curtain hooks, etc., but not including plumbing parts and fixtures.	Jan. 9, 1943	Jan. 9, 1943
Laundry hampers.	Sept. 1, 1942	Sept. 1, 1942
*Soap dishes.	Sept. 1, 1942	Sept. 1, 1942
*Toilet seats, all plastic.	Jan. 9, 1943	Jan. 9, 1943
*Toilet seats, plastic covered for private housing. Private housing means dwelling units built for occupation by private individuals and their families as their homes, regardless of how financed, as distinguished from hotels, barracks, dormitories, office buildings and the like which are built for general use.	Sept. 1, 1942	Sept. 1, 1942
*Towel bars (war use exemption for use on board ship only).	Sept. 1, 1942	Sept. 1, 1942
Beauty parlor equipment.	Mar. 26, 1943	Mar. 26, 1943
*Belts.	Sept. 1, 1942	Sept. 1, 1942
Beret bars.	Mar. 26, 1943	Mar. 26, 1943
Bill folds.	Jan. 9, 1943	Jan. 9, 1943
*Binoculars and opera glasses, and their parts.	Sept. 1, 1942	Sept. 1, 1942
Bobby pins and barrettes.	Mar. 26, 1943	Mar. 26, 1943
Book covers and book marks.	Mar. 26, 1943	Mar. 26, 1943
Book ends and book stands.	Sept. 1, 1942	Sept. 1, 1942
*Bowls.	Jan. 9, 1943	Jan. 9, 1943
*Subject to war use exemption. This exemption is subject to any specific limitations on war use exemption noted opposite particular items.		
Greeting cards and components.	Jan. 9, 1943	Jan. 9, 1943
Hair bands.	Jan. 9, 1943	Jan. 9, 1943
Hair curlers.	Jan. 9, 1943	Jan. 9, 1943
Broom fittings and dust pans.	Sept. 1, 1942	Sept. 1, 1942
Buttons and buckles, except for utility.	Mar. 26, 1943	Mar. 26, 1943
Calendar holders.	Mar. 26, 1943	Mar. 26, 1943
Calendars.	Jan. 9, 1943	Jan. 9, 1943
Calling card cases.	Mar. 26, 1943	Mar. 26, 1943
Candle sticks.	Sept. 1, 1942	Sept. 1, 1942
Caskets, decorative parts.	Sept. 1, 1942	Sept. 1, 1942
Tips and lugs.		
Handles and caps.		
Corner pieces.		
Chime shields.	Jan. 9, 1943	Jan. 9, 1943
*Clock cases.	Jan. 9, 1943	Jan. 9, 1943
*Clock crystals.	Mar. 26, 1943	Mar. 26, 1943
Closest accessories.	Sept. 1, 1942	Sept. 1, 1942
Clothes hangers.		
Hat boxes.		
Hat stands.		
Shoe horns.		
Shoe trees.		
Tie racks.		
Clothes pins.	Mar. 26, 1943	Mar. 26, 1943
Coin banks and other coin holders.	Jan. 9, 1943	Jan. 9, 1943
Collars and cuffs (except for religious use).		
Combs:		
Combination combs.	Sept. 1, 1942	Sept. 1, 1942
*Combs with attachments.	Sept. 1, 1942	Sept. 1, 1942
*Combs with plastic cases.	Sept. 1, 1942	Sept. 1, 1942
Fancy side, back or tuck combs.	Sept. 1, 1942	Sept. 1, 1942
Containers, except closures, for pharmaceutical preparations in standard dosage forms, including but not limited to, pills, tablets, capsules and powders, except for export use.		
Cosmetic containers and accessories, except the following:	Jan. 9, 1943	Jan. 9, 1943
Vanity cases or compacts of not more than two-inch diameter or two inches square; lipstick holders; or closures for cosmetic containers.		
Crumb scrapers.	Mar. 26, 1943	Mar. 26, 1943
*Curtain fixtures and window pulls (war use exemption for use on board ship only).	Mar. 26, 1943	Mar. 26, 1943
Darning eggs.	Mar. 26, 1943	Mar. 26, 1943
Decorative plastic stitching.	Jan. 9, 1943	Jan. 9, 1943
Displays, including limited to:	Sept. 1, 1942	Sept. 1, 1942
Advertising printing.		
Containers and packages, including all transparent boxes and food covers.		
Fixtures, mannequins and hosiery forms.		
*Signs and advertising sign letters.		
Door sills.	Jan. 9, 1943	Jan. 9, 1943
Dress spangles.	Jan. 9, 1943	Jan. 9, 1943
Eye wash cups.	Mar. 26, 1943	Mar. 26, 1943
*Food containers, except closures, adhesives and protective coatings for food containers.	Mar. 26, 1943	Mar. 26, 1943
*Fruit juicers.	Mar. 26, 1943	Mar. 26, 1943
*Furniture, furniture parts, and upholstery except seat coverings for public transportation equipment.	Mar. 26, 1943	Mar. 26, 1943
Games and toys.	Jan. 9, 1943	Jan. 9, 1943
Glass "shatterproofing" treatment, except laminated safety glass.	Mar. 26, 1943	Mar. 26, 1943
*Glove fasteners.	Sept. 1, 1942	Sept. 1, 1942
Greeting cards and components.	Jan. 9, 1943	Jan. 9, 1943
Hair bands.	Jan. 9, 1943	Jan. 9, 1943
Hair curlers.	Jan. 9, 1943	Jan. 9, 1943

Item	Effective date of restriction
Handbags and components, except handbag cement and slide fasteners.	Sept. 1, 1942
Handbag frames.	Mar. 26, 1943
*Handles for carpenter tools, except screw drivers and chisels.	Sept. 1, 1942
*Handle knobs for drawers and closets.	Mar. 26, 1943
*Hats and hat ornaments.	Jan. 9, 1943
House address numbers.	Mar. 26, 1943
Ice cube trays.	Mar. 26, 1943
Jewelry and ornaments, including hand fabricated jewelry.	Mar. 26, 1943
Jewelry cases and watch boxes.	Sept. 1, 1942
Jigger cups.	Sept. 1, 1942
Lamp cord protectors.	Mar. 26, 1943
*Lamp shades and bases, except industrial and office.	Mar. 26, 1943
*Laminations and covers to photographs and pictures.	Mar. 26, 1943
*Magnifying lenses.	Mar. 26, 1943
*Match cases and boxes.	Jan. 9, 1943
Medical instruments, non-professional.	Mar. 26, 1943
Throat lights.	
Tongue depressors.	
Millinery.	Sept. 1, 1942
Musical instruments—decorative parts.	Sept. 1, 1942
*Nameplates, but not including equipment, data and instruction plates.	Sept. 1, 1942
Napkin rings.	Sept. 1, 1942
*Pass cases, other than for industrial or governmental identification.	Jan. 9, 1943
Pencils, novelty.	Jan. 9, 1943
Pharmaceutical pill tablet and capsule trays.	Mar. 26, 1943
*Phonograph or auto radio receivers and parts.	Mar. 26, 1943
*Photographic equipment and supplies.	Mar. 26, 1943
*Picture and mirror frames.	Sept. 1, 1942
*Pistol grips and rifle butts, except for governmental use.	Mar. 26, 1943
Place card holders.	Jan. 9, 1943
Plaques and laminated placques.	Jan. 9, 1943
Plastic book binding—comb or spiral type for advertising, promotional, premium, recreational or novelty products.	Jan. 9, 1943
*Playing cards.	Jan. 9, 1943
*Pocket and scout knives.	Mar. 26, 1943
Poker chips.	Jan. 9, 1943
Poker chip holders.	Mar. 26, 1943
Premium items.	Sept. 1, 1942
Price tags, except for meat and dairy products.	Jan. 9, 1943
*Protective envelopes and laminations to paper for other than documents, permanent records, blueprints and industrial charts.	Mar. 26, 1943
Ration book cases.	Jan. 9, 1943
*Razor boxes.	Sept. 1, 1942
*Razor sharpeners.	Jan. 9, 1943
Restaurant and coin operated phonograph parts.	Sept. 1, 1942
*Salt and pepper shakers and tops.	Sept. 1, 1942
*Scales, except for industrial and commercial use.	Mar. 26, 1943
Sculptured pieces.	Sept. 1, 1942
Seasonal ornaments and ornamental lighting fixtures.	Sept. 1, 1942
Sewing thread spool holders.	Mar. 26, 1943

*Subject to war use exemption. This exemption is subject to any specific limitations on war use exemption noted opposite particular items.

Item	Effective date of restriction
*Serving trays, except for Jan. 9, 1943 cafeterias, restaurants and hospitals.	Sept. 1, 1942
*Shaving brush containers.	Mar. 26, 1943
Shoe heels, except plastic coated.	Sept. 1, 1942
Shoe trimmings.	Jan. 9, 1943
Shoe uppers, woven.	Sept. 1, 1942
*Ski goggles.	Mar. 26, 1943
Sleeve protectors.	Mar. 26, 1943
Smokers' supplies:	
Ash trays.	Sept. 1, 1942
*Cigarette and cigar holders, boxes and cases.	Sept. 1, 1942
Cigarette lighters.	Mar. 26, 1943
Cigarette lighter flint containers.	Mar. 26, 1943
Pipe cases.	Sept. 1, 1942
Soda fountain and beverage dispensing accessories.	Sept. 1, 1942
Beer scrapers.	
Beverage stirrers.	
Drinking straws.	
*Faucet handles and knobs (war use exemption use on board ship only).	
*Soap containers.	Mar. 26, 1943
*Sporting goods, except ping pong balls ordered by Red Cross and USO for use in recreation centers.	Mar. 26, 1943
Stationery supplies:	
Desk sets.	Jan. 9, 1943
Envelope openers.	Mar. 26, 1943
Ink stands.	Jan. 9, 1943
Ink wells.	Jan. 9, 1943
Moisture applicators, except sealing tape machines.	Mar. 26, 1943
Paper clips.	Mar. 26, 1943
Pen bases and holders.	Mar. 26, 1943
Pencil sharpeners.	Mar. 26, 1943
Rulers, but not including edge strips for rulers.	Jan. 9, 1943
Stapling machines.	Mar. 26, 1943
*Storm sash and windows.	Jan. 9, 1943
Syphons for carbonated water.	Sept. 1, 1942
Syrup dispensers.	Mar. 26, 1943
Table mats, coasters and table ornaments.	Sept. 1, 1942
*Tableware — cups, saucers, plates, tumblers, knives, forks, spoons, except handles for knives, forks, spoons.	Mar. 26, 1943
*Tableware cases and boxes.	Sept. 1, 1942
Toilet sets, except three-piece sets of mirror, brush and comb.	Sept. 1, 1942
*Toothbrush containers.	Mar. 26, 1943
*Travelling bags, baggage and handles therefor.	Sept. 1, 1942
Umbrella and parasol handles.	Sept. 1, 1942
Vending machines and parts.	Mar. 26, 1943
*Visors, except industrial.	Mar. 26, 1943
Wall shields.	Mar. 26, 1943
Window lifts.	Jan. 9, 1943

NOTE.—Where a specific item previously included in a general heading is added for purpose of clarification, the governing date of restriction on such item is the effective date of the restriction on the general heading.

[F. R. Doc. 43-15014; Filed, September 14, 1943; 11:38 a. m.]

PART 3293—CHEMICALS¹

[Allocation Order M-260, as amended Sept. 14, 1943]

ACRYLIC MONOMER AND ACRYLIC RESIN

Section 3293.356¹ is amended to read as follows:

¹Formerly Part 3135, § 3135.1.

§ 3293.356 Allocation Order M-260—
(a) *Definitions.* For the purpose of this order:

(1) "Acrylic monomer" means the first grade unpolymerized forms of the methyl and higher esters of acrylic and methacrylic acids.

(2) "Acrylic resin" means the first grade polymerized form of the methyl and higher esters of acrylic and methacrylic acids, in the following forms:

First grade cast sheet (unfabricated) not including pieces having an area of less than three square feet produced as a byproduct of normal casting or fabricating operations.

First grade molded sheet (unfabricated).

First grade molding powder.

First grade rod.

First grade tube.

First grade solution.

First grade emulsion.

First grade cast primary shapes.

First grade acrylic denture-base material.

First grade granular polymers.

(3) "Supplier" means any person who:

(i) Synthesizes acrylic monomer from raw materials; or

(ii) Manufactures acrylic monomer by de-polymerization of acrylic resin; or

(iii) Manufactures acrylic resin by polymerization of acrylic monomer; or

(iv) Purchases acrylic monomer or acrylic resin for the purpose of resale without further fabrication, processing, or admixing.

(b) *Restrictions on delivery.* (1) No supplier shall deliver acrylic monomer or acrylic resin to any person except as specifically authorized in writing by the War Production Board, upon application pursuant to Exhibit A.

(2) However, a supplier who delivers acrylic monomer and acrylic resin for dental use only may make deliveries for that purpose without application or specific authorization.

(3) In the case of any group of suppliers under common ownership and control who produce both acrylic monomer and acrylic resin for general purposes, acrylic monomer may be delivered by the monomer producing units to the resin producing units to the extent necessary to produce resin to fill authorized resin orders, without application or specific authorization.

(4) A supplier may deliver an aggregate quantity of acrylic monomer and acrylic resin on uncertified small orders exempted by paragraph (c) (3) only under the following conditions:

(i) If specifically authorized, upon application pursuant to Appendix A, to deliver the aggregate quantity on uncertified small orders; or

(ii) If he acquired the material upon certification that it was required to fill uncertified small orders; or

(iii) If he acquired it himself on an uncertified small order.

(c) *Restrictions on acceptance of delivery.* (1) During the period September 14, 1943 through September 30, 1943, no person shall accept delivery of acrylic monomer or acrylic resin from a supplier except as specifically authorized by the War Production Board upon application.

cation pursuant to the terms of this order as amended April 19, 1943.

(2) On and after October 1, 1943, no person shall accept delivery of acrylic monomer and acrylic resin from a supplier, or place a purchase order for such delivery, unless and until he shall have furnished the supplier with a use certificate pursuant to Exhibit B.

(3) However, these restrictions shall not apply to any person ordering and accepting delivery of each of the following amounts or less from all suppliers in any calendar month (for use subject to the provisions of the Thermoplastics Order M-154):

Cast sheet	50 square feet.
Molded sheet	50 square feet.
Molding powder	100 lbs.
Cast shapes	50 lbs.
Tube	25 lbs.
Rod	25 lbs.
Solution	400 lbs. (1 barrel).
Emulsion	400 lbs. (1 barrel).
Monomer	10 gallons (80 pounds).
Granular polymers	100 lbs.

(4) These restrictions shall not apply to any person ordering and accepting delivery (for aircraft glazing purposes) of cast acrylic sheet having any dimension greater than 40" x 50" x .250". The War Production Board will authorize suppliers of sheet in excess of these dimensions to deliver quantities each month in accordance with instructions issued to them by the Aircraft Scheduling Unit, Steele High Bldg., Dayton, Ohio.

(5) These restrictions shall not apply to any person ordering or accepting delivery of acrylic monomer or acrylic resin for dental use from a dental supplier who delivers these materials only to the dental trade.

(d) *Restrictions on use and disposition of allocated monomer or resin.* (1) Each person furnishing a use certificate shall use or dispose of the acrylic monomer or acrylic resin delivered on the purchase order only as specified in the certificate or as otherwise specifically directed by the War Production Board.

(2) Each person specifically authorized to accept delivery of acrylic monomer or acrylic resin shall use or dispose of it only for the purpose authorized, unless otherwise specifically directed by the War Production Board.

(3) However, any person who is not a supplier may deliver acrylic monomer or acrylic resin to a supplier without specific authorization or direction.

(e) *Restrictions on use by suppliers.* No supplier shall use acrylic resin or acrylic monomer except as specifically authorized by the War Production Board, upon application pursuant to Exhibit A. However, this restriction shall not apply to any supplier whose use of acrylic monomer or acrylic resin is for dental purposes only.

(f) *General restriction on use.* The use of acrylic monomer and acrylic resin is subject to the provisions of Thermoplastics Order M-154, as amended.

(g) *Suppliers to notify customers.* Each supplier shall notify each customer as soon as practicable of denial, in whole or in part, by the War Production Board of any item or items on a certified purchase order placed by the customer.

(h) *Special directions.* The War Production Board, at its discretion, may at any time issue special directions to any person with respect to:

(1) Use, delivery or acceptance of delivery of acrylic monomer or acrylic resin; or

(2) Production of acrylic monomer or acrylic resin; or

(3) Preparation and filing of forms and certificates pursuant to Exhibits A and B.

(i) *Miscellaneous provisions—(1) Applicability of regulations.* This order and all transactions affected hereby are subject to all applicable War Production Board regulations, as amended from time to time.

(2) *Violations.* Any person who wilfully violates any provisions of this order, or who, in connection with this order, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control, and may be deprived of priority assistance.

(3) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington 25, D. C. Reference M-260.

Issued this 14th day of September 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

EXHIBIT A—INSTRUCTIONS FOR FILING APPLICATIONS FOR SPECIFIC AUTHORIZATION TO MAKE DELIVERY OF ACRYLIC MONOMER AND ACRYLIC RESIN

Each supplier seeking authorization to make delivery of acrylic monomer or acrylic resin may file application on Form WPB-2947 (formerly PD-602)* in the manner prescribed therein, subject to the following instructions for the purpose of this order:

Time of filing. Applications shall be filed in time to ensure that copies will have reached the War Production Board on or before the 15th day of the month preceding the month for which authorization to make delivery is sought.

Number of copies. Four copies shall be prepared, of which one may be retained by the applicant, and three certified copies shall be sent to the War Production Board, Chemicals Division, Washington 25, D. C., Reference M-260.

Number of sets. Each supplier shall file a separate set of applications for each of his plants and for each different grade or type of acrylic monomer and acrylic resin as set forth in paragraph (a) (2).

Heading. Under name of material, specify acrylic monomer or acrylic resin, as the case may be; under War Production Board order number, specify M-260; specify the grade or type; specify unit of measure; and otherwise fill in as indicated.

Table 1. Fill in as follows:

Customers with certificates. In Column 1 list customers who have filed use certifi-

cates with the applicant, and in Column 1a enter each product and end use stated in each certificate. Specify requested quantities in Column 4 and leave Columns 5, 5a and 6 blank. In Column 7, indicate the formula designation of the material ordered.

Own use. In Column 1 the applicant may enter his own name, may enter in Column 1a his proposed primary product and end use for which he requests authorization to use acrylic monomer or acrylic resin, and may request in Column 4 a quantity for each proposed use, leaving columns 5, 5a and 6 blank.

In Column 7, indicate the formula designation of the material ordered.

Uncertified small orders. In Column 1 the applicant may specify "aggregate paragraph (c) (3) small orders," and may request an aggregate quantity, leaving the other columns blank.

Aircraft sheet. Enter in Column 1, "Sheet deliveries to be governed by Aircraft Scheduling Unit, Steele High Bldg., Dayton, Ohio". Leave Column 1a blank. Enter the quantity of material in Column 4. In Column 7 enter the pounds of monomer required to produce the quantity of sheet entered in Column 4. Leave other columns blank.

Table II. Fill in as indicated, leaving Columns 13 and 14 blank.

EXHIBIT B—INSTRUCTIONS FOR FILING CERTIFCATES OF USE WITH PURCHASE ORDERS FOR ACRYLIC MONOMER AND ACRYLIC RESIN

(1) Each person placing a purchase order with a supplier for delivery on or after October 1, 1943, of acrylic monomer or acrylic resin in a quantity not exempted by paragraph (c) (3), shall furnish the supplier with a use certificate in substantially the following form:

"List of quantities of acrylic monomer and acrylic resin ordered for each intended primary product and end-use)

"The undersigned certifies to the seller and to the War Production Board that the acrylic monomer and acrylic resin covered by the accompanying purchase order will be used only as specified above.

(Name of Purchaser)

By _____
(Signature and title of duly authorized official)"

(2) Primary product and end-use descriptions should be specific and concise, and each end-use should be identified as, for example, "Aircraft radio lens", "Industrial steam gauge lens", "Military denture-base material", or "Civilian denture-base material". Military items are those which are being produced against a prime or sub-contract for the armed services.

(3) In the event that two or more end-uses are involved in a single purchase order, the amount of acrylic monomer and acrylic resin required for each use shall be listed as a separate item. Each item shall bear an identifying number so that it will be possible for the supplier to advise his customers, by purchase order number and item number, as to the action taken on the supplier's application for authorization to make delivery.

(4) In cases where the end-use of the material desired is of a secret or confidential nature so that a specific end-use description cannot be obtained, the entry should so indicate as, for example, "Secret—Signal Corps", or "Confidential—Navy Bureau of Ordnance". Such entries must show the prime contract number.

(5) A written purchase order placed by any department or agency of the United States Government pursuant to the Act of March 11, 1941 (Lend-Lease Act), provided such purchase order specifies the Lend-Lease contract or requisition number, shall constitute a use certificate for the purpose of this order.

(6) A certified statement on a WPB 2945 (formerly PD-600) form, of quantities of acrylic monomer and/or acrylic resin ordered

*Approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

for each intended primary product and end-use, shall constitute a use certificate for the purpose of this order.

[F. R. Doc. 43-15015; Filed, September 14, 1943; 11:38 a. m.]

Chapter XI—Office of Price Administration

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 422,¹ Amdt. 4]

CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN GROUP 3 AND GROUP 4 STORES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 422 is amended in the following respects:

1. A new paragraph (f) is added to section 20 to read as follows:

(f) *White potatoes purchased by you ungraded and unsacked.* If you purchase ungraded and unsacked white potatoes at a country shipping point (as defined in Revised Maximum Price Regulation 271²) and you grade and sack such potatoes, you shall figure a separate ceiling price weekly for each grade and variety, using as your "net cost" per "selling unit" the lowest ceiling price per 100 pounds fixed by Revised Maximum Price Regulation 271 for sales by a country shipper f. o. b. country shipping point of such grade and variety, adjusted by the applicable packaging differential, during the month in which you receive delivery at your usual receiving point, plus all transportation charges you paid (except local trucking and local unloading) to your usual receiving point, divided by 100, and multiplied by 5.

2. A new paragraph (g) is added to section 20 to read as follows:

(g) *Dry onions purchased by you ungraded and unsacked.* If you purchase ungraded and unsacked dry onions at a country shipping point (as defined in Revised Maximum Price Regulation 271) and you grade and sack such onions, you shall figure a separate ceiling price weekly for each grade and variety, using as your "net cost" per "selling unit" the lowest ceiling price per 50 pounds fixed by Maximum Price Regulation 271 for sales by a country shipper f. o. b. country shipping point of such grade and variety, adjusted by the applicable packaging differentials, during the month in which you receive delivery at your usual receiving point, plus all transportation charges you paid (except local trucking and local unloading) to your usual receiving point, divided by 50 and multiplied by 3.

This amendment shall become effective September 11, 1943.

*Copies may be obtained from the Office of Price Administration.

¹ 8 F.R. 9395, 10569, 10987.

² 8 F.R. 7017, 7494, 8075, 9160, 9995, 10731, 11672.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 11th day of September 1943.

GEORGE J. BURKE,
Acting Administrator.

Approved:

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-14908; Filed, September 11, 1943; 4:37 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 423,¹ Amdt. 4]

CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN INDEPENDENT STORES DOING AN ANNUAL BUSINESS OF LESS THAN \$250,000 (GROUP 1 AND GROUP 2 STORES)

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 423 is amended in the following respect:

1. Section 18 (c) is amended to read as follows:

(c) *Section 20. How you figure your "net cost" in certain cases.* (Applies to you if you purchase fresh bananas from importers f. o. b. port of entry or at auction; if you package and print butter; if you candle and grade eggs; if you sell "ungraded eggs"; or if you purchase white potatoes or dry onions ungraded and unsacked).

This amendment shall become effective September 11, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 11th day of September 1943.

GEORGE J. BURKE,
Acting Administrator.

Approved:

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-14909; Filed, September 11, 1943; 4:37 p. m.]

PART 1305—ADMINISTRATION

[Gen. RO 3,² Amdt. 4]

RATION BANKING; BANKS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

General Ration Order 3 is amended in the following respects:

1. Section 1305.411 (c) (1), (2), (3) and (4) are amended to read as follows:

(1) Each participating bank shall receive sixty (60) cents for the first account opened for any depositor at any one office of the bank, plus twenty (20) cents for each additional account opened for the same depositor at the same bank office.

¹ 8 F.R. 9407, 10570, 10988.

² 8 F.R. 865, 2858, 4627, 9456.

(2) Each participating bank shall receive a maintenance charge of ten (10) cents for each account carried on its books on the 15th day of each month.

(3) Each participating bank shall receive five (5) cents for each deposit made, plus one (1) cent for each item included in the deposit.

(4) Each participating bank shall receive four (4) cents for each ration check properly debited to an account.

2. Section 1305.411 (c), subparagraphs (5), (6) and (7) are hereby redesignated as subparagraphs (8), (9) and (10), respectively.

3. Section 1305.411 (c) new subparagraphs (5), (6) and (7) are added to read as follows:

(5) Each participating bank shall receive the sum of twenty (20) dollars a month for the main bank and twenty (20) dollars a month for each of its branches, for the expense of keeping current with the regulations and directions of the Office of Price Administration and the filing of periodic reports: *Provided, however,* That the total monthly payment received by the bank and all of its branches hereunder shall not exceed the sum of one hundred (100) dollars a month.

(6) Each participating bank shall receive the sum of twenty (20) cents for each ration stamp envelope verified by it.

(7) The foregoing schedule of payments shall be effective as of July 1, 1943, except as to subparagraph (6) thereof, which shall be effective as of September 1, 1943.

This amendment shall become effective September 17, 1943.

(Pub. Laws 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; WPB Dir. 1, 7 F.R. 562)

Issued this 13th day of September 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-14988; Filed, September 14, 1943; 9:58 a. m.]

PART 1307—RAW MATERIALS FOR COTTON TEXTILES

[RPS 7,¹ Amdt. 13]

COMBED COTTON YARNS AND THE PROCESSING THEREOF

Revised Price Schedule No. 7 is amended in the following respects:

1. In § 1307.12 (d) (3) the text preceding Table I is amended to read as follows:

(3) *Table of maximum prices for combed yarns.* (i) Except as provided in subdivision (ii) below, the maximum prices appearing in Column B apply only to sales of combed yarn to (a) a war procurement agency or (b) any person who, in making the particular purchase, is acting as an agent of such agency. For the purposes of this regulation a person is acting as an agent of a

¹ 7 F.R. 1221, 2000, 2132, 2277, 2393, 2509, 2737, 3160, 3551, 3664, 5481, 8948, 9732, 10469; 8 F.R. 972, 5755, 9285, 11870.

war procurement agency to purchase yarns at the maximum prices appearing in Column B only if his authority is conferred by or derived from an agency designation issued by a war procurement agency especially for such purpose.²⁴

(ii) If a war procurement agency cancels a prime contract for the fulfillment of which a person has been designated an agent authorized to pay a price determined in accordance with Column B:

(a) Such person shall, within 48 hours after he has been informed of cancellation of the prime contract, notify his immediate yarn supplier thereof;

(b) Irrespective of the purpose for which the yarn will be used, such person may pay prices determined in accordance with Column B for any yarn which, prior to the date he was notified of cancellation of the prime contract, had been delivered to him in accordance with the agency designation, and for any yarn for which his supplier is entitled to charge, pursuant to (c), (d), or (e) below, a price determined in accordance with Column B: *Provided*, That the acceptance of such yarns by the purchaser will not be recognized by the Office of Price Administration as a ground for any adjustment of the maximum price of a commodity manufactured therefrom;

(c) If the supplier who contracted to supply yarn at a price determined in accordance with Column B to a person authorized to pay such price is the spinner of the yarn, he may make deliveries against such contract at a price determined in accordance with Column B until October 14, 1943 or until 30 days have elapsed from the date of cancellation of the prime contract, whichever is later;

(d) If said supplier is both the spinner and processor of the yarn he may make deliveries against such contracts at a price determined in accordance with Column B until October 14, 1943 or until 45 days have elapsed from the date of cancellation of the prime contract, whichever is later;

(e) If said supplier is a "stock yarn" dealer or a processor independent of the spinner of the yarn he may deliver to his purchaser at a price determined in accordance with Column B price any yarn for which his supplier is authorized hereunder to charge him a price determined in accordance with Column B.

(iii) The maximum prices appearing in Column A apply to all other transactions, as well as to all transactions (regardless of who the purchaser is) in yarn numbers 51s and above.

(iv) For yarn number intermediate between any two appearing in one of the following columns the maximum price shall be that price obtained from that

²⁴ War procurement agencies are using specially devised procedures for designation of purchasers as their agents for the purpose of this section. In the absence of any such specific designation a seller is not permitted to charge and a buyer is not permitted to pay the maximum prices appearing in Column B of this section. The mere fact that a purchaser has a contract covering goods to be furnished to a war procurement agency and/or a contract carrying a preference rating does not constitute him an agent (as the term is used herein) of a war procurement agency.

column by interpolation in accordance with the respective yarn numbers.

This amendment shall become effective on the 14th day of September 1943.

(56 Stat. 23, 765, Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 13th day of September 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-15000; Filed, September 14, 1943; 10:49 a. m.]

PART 1346—BUILDING MATERIALS (MPR 466)

ASBESTOS-CEMENT BUILDING MATERIALS

In the judgment of the Price Administrator, it is necessary and proper, in order to effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, to replace the General Maximum Price Regulation¹ and Maximum Price Regulation No. 188² with a separate regulation establishing the maximum prices for sales of asbestos-cement building materials shipped directly from a factory.

A statement of the considerations involved in the issuance of this Maximum Price Regulation No. 466 has been issued simultaneously herewith and filed with the Division of the Federal Register.*

So far as practical, the Price Administrator has advised and consulted with representative members of the trade which will be affected by this regulation. The maximum prices established by this regulation are and will be in the judgment of the Price Administrator, generally fair and equitable.

Such specifications and standards as are used in this regulation have previously been promulgated and their use lawfully required by another government agency.

§ 1346.701 Maximum prices for asbestos-cement building materials. Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Maximum Price Regulation No. 466 (Asbestos-Cement Building Materials) which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1346.701 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION 466—ASBESTOS-CEMENT BUILDING MATERIALS

ARTICLE I—PERSONS AND TRANSACTIONS SUBJECT TO THIS REGULATION; RELATIONSHIP OF THIS REGULATION TO OTHER REGULATION

Sec.

- 1.1 Persons subject to this regulation.
- 1.2 Transactions and products covered by this regulation.
- 1.3 Effect of this regulation on other regulations.

*Copies may be obtained from the Office of Price Administration.

¹ 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025, 9991, 11955.

² 7 F.R. 5872, 7967, 8943, 8948, 10155; 8 F.R. 537, 1815, 1980, 3105, 3788, 3850, 4140, 4931, 5759, 7107, 8751, 8754, 9836.

ARTICLE II—PROHIBITIONS AND PENALTIES

Sec.

- 1.4 The matters to which each Article in this regulation pertains.
- 2.1 Prohibition against the sale or purchase of asbestos-cement building materials at higher than maximum prices.
- 2.2 Lower than maximum prices.
- 2.3 Prohibited practices.
- 2.4 Penalties.

ARTICLE III—GENERAL REGULATORY PROVISIONS

- 3.1 Licensing.
- 3.2 Adjustable pricing.
- 3.3 Taxes.
- 3.4 Records and reports.
- 3.5 Applications for adjustment.
- 3.6 Petitions for amendment.
- 3.7 Saving clause.
- 3.8 Abbreviations used for company names herein.

ARTICLE IV—GENERAL PRICE AND TRANSPORTATION PROVISIONS

- 4.1 Computation of maximum prices and freight charges.
- 4.2 Transportation definitions.
- 4.3 Transportation practices applicable to asbestos-cement building materials.

ARTICLE V—FLAT SHEETS, SHEATHING, LUMBER, WALLBOARD AND ACCESSORIES

- 5.1 Computation of maximum prices.
- 5.2 Shipping points for asbestos-cement flat sheets, sheathing, lumber, wallboard and accessories.
- 5.3 Additional charges.
- 5.4 List tables and charges for asbestos-cement flat sheets, sheathing, lumber, wallboard and accessories—Tables 1 and 2.

ARTICLE VI—FLEXIBLE WALLBOARD

- 6.1 Computation of maximum prices.
- 6.2 Specific price and transportation practices; discounts and zones.
- 6.3 List table and charges for asbestos-cement flexible wallboard—Table 3.

ARTICLE VII—CORRUGATED SHEETS

- 7.1 Computation of maximum prices.
- 7.2 Shipping points for asbestos-cement corrugated sheets.
- 7.3 Discounts.
- 7.4 Accessories manufactured by the seller.
- 7.5 List table and charges for asbestos-cement corrugated sheets—Table 4.

ARTICLE VIII—ASBESTOS-CEMENT SHINGLES, SIDING AND ACCESSORIES—EASTERN AREA

- 8.1 Application of this article.
- 8.2 Computation of maximum prices.
- 8.3 Shipping points and free delivery zones for asbestos-cement shingles, siding and accessories.
- 8.4 List table and charges for asbestos-cement shingles, siding and accessories—Table 5.

ARTICLE IX—ASBESTOS-CEMENT SHINGLES, SIDING AND ACCESSORIES—WESTERN AREA

- 9.1 Application of this article.
- 9.2 Computation of maximum prices.
- 9.3 List prices and charges for asbestos-cement shingles, siding and accessories—Table 6.

ARTICLE X—MISCELLANEOUS PROVISIONS

- 10.1 Maximum prices for listed and unlisted asbestos-cement building materials.
- 10.2 Discounts.
- 10.3 Other definitions.

Article I—Persons and Transactions Subject to This Regulation; Relationship of This Regulation to Other Regulations

SECTION 1.1 Persons subject to this regulation. Any person making a sale or delivery governed by this regulation is subject to it.

A "person" is an individual, corporation, partnership, association, or any other organized group of persons or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

A "manufacturer" is a person operating a mill or plant producing asbestos-cement building materials, as well as any sales subsidiary or affiliate, any commission salesman, manufacturer's representative, or other manufacturer's agent.

A "dealer" is a merchant maintaining a permanent place of business equipped with sales personnel and service facilities sufficient to serve the consuming public.

SEC. 1.2 Transactions and products covered by this regulation. This regulation establishes maximum prices for the sale of asbestos-cement building materials by any seller on direct shipment from a factory.

"Asbestos-cement building materials" include roofing shingles, siding, flat sheet, sheathing, lumber, wallboard, flexible wallboard, corrugated sheets, and accessories therefor, composed of a mix of Portland Cement and asbestos fiber, with or without ground asbestos-cement, scrap and/or limestone or other filler, plain, textured or surfaced with mineral granules of any grade, type, shape, size, thickness or kind.

A "direct shipment from a factory" is any sale wherein the products move directly from the manufacturing plant to the destination.

A "square" is a quantity of asbestos-cement building materials sufficient to cover 100 square feet of surface when applied in the customary trade manner.

The phrase "standard colors" in any Table in this regulation includes all colors not otherwise specifically mentioned in that Table.

SEC. 1.3 Effect of this regulation on other regulations—(a) The General Maximum Price Regulation; Maximum Price Regulation No. 188. The provisions of this regulation supersede the provisions of the General Maximum Price Regulation and of Maximum Price Regulation No. 188 with respect to all sales and deliveries for which maximum prices are established by this regulation.

(b) Exports. The maximum prices for export sales of asbestos-cement building materials shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation⁶ issued by the Office of Price Administration.

(c) Imports. The provisions of this regulation do not apply to the purchase, sale, or delivery of asbestos-cement building materials which originate outside of and are imported into the continental United States. Sales, purchases and deliveries of such imported asbestos-cement building materials are governed by the provisions of the General Maximum Price Regulation, and especially by the Maximum Import Price Regulation.⁷

SEC. 1.4 The matters to which each article in this regulation pertains. This

regulation consists of ten articles. The first four articles are applicable to all asbestos-cement building materials as enumerated herein. The next five articles relate in each case to particular products and set forth the maximum prices and especially applicable provisions regarding the products covered. These articles are numbered respectively V through IX. Article X sets forth certain generally applicable but miscellaneous provisions not covered earlier in the regulation.

Article V relates to flat sheets, sheathing, lumber, wallboard and accessories; Article VI relates to flexible wallboard; Article VII relates to corrugated sheets; Article VIII relates to shingles, siding and accessories for destination in the Eastern Area; Article IX relates to shingles, siding and accessories for destination in the Western Area.

Article II—Prohibitions and penalties

SEC. 2.1 Prohibition against the sale or purchase of asbestos-cement building materials at higher than maximum prices. (a) On and after September 18, 1943, regardless of the terms of any contract of sale or purchase or other commitment,

(1) No person shall sell, offer to sell, deliver, or transfer asbestos-cement building materials for shipment directly from a factory (as defined in section 1.2 above) at prices higher than the maximum prices fixed in this regulation, and

(2) No person shall in the course of trade or business buy, offer to buy, or accept delivery of such products so shipped at prices higher than those maximum prices.

(b) This regulation does not apply to sales of asbestos-cement building materials which were received before September 18, 1943, by a carrier other than a carrier owned or controlled by the seller, for shipment to a buyer. Such a shipment remains subject to the appropriate Maximum Price Regulation applying at the time when such shipment was turned over to the carrier.

SEC. 2.2 Lower than maximum prices. Lower prices than those established in this regulation may be charged, demanded, paid or offered.

SEC. 2.3 Prohibited practices—(a) General. Any practice which is a device to secure the effect of a higher-than-the-maximum price, even though executed without actually raising the dollars-and-cents prices, is a violation of this regulation. This applies to all such devices, including those making use of commissions, services, transportation arrangements, premiums, special privileges, tying agreements, trade understandings, or the like.

(b) Specific prohibited practices. The following are illustrative of the type of device referred to in paragraph (a) immediately preceding. The devices listed below, and each of them, are prohibited under this regulation.

(1) It is prohibited to secure the effect of higher prices by changing credit practices or cash discounts from those provided for in the regulation. This includes such practices as reducing the cash discount periods, decreasing any credit period, or making greater charges

for the extension of credit than were in effect in March 1942 (March 1941 in the case of corrugated sheets).

(2) It is prohibited to make terms or conditions of sale more onerous to the purchaser than those in the regulation.

(3) It is prohibited to evade this regulation by routing asbestos-cement building materials through a warehouse so as to attempt not to constitute a direct shipment from a factory.

(4) It is prohibited to charge a higher than "standard colors" price for any product which has heretofore been considered by the seller to be a standard color.

(5) It is prohibited to add for the supply of fixtures furnished with asbestos-cement building materials an amount greater than is permitted under this regulation, and it is required that, upon the sale of any asbestos-cement building materials without one or more types of fixtures, a reduction in the maximum price thereof must be made by the amount by which the price was or would have been reduced on a similar sale to a purchaser of the same class on March 2, 1942 (on March 1, 1941 in the case of corrugated roofing and siding sheets).

SEC. 2.4 Penalties. (a) Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended, as well as specifically (in proper cases) to the provisions of Supplementary Order No. 18⁸ issued by the Office of Price Administration, as provided in section 3.1 below.

(b) The provisions of this section shall not apply to any War Procurement agencies or any contracting officer thereof, and no such agency or officer or any paying finance officer shall be subject to any liability, either civil or criminal, imposed by this regulation or by the Emergency Price Control Act of 1942, as amended. The phrase "war procurement agency" as used in this section includes the War Department, the Navy Department, the United States Maritime Commission, the Lend-Lease Section of the Procurement Division of the Treasury Department, or any agency of any of the foregoing.

Article III—General Regulatory Provisions

SEC. 3.1 Licensing. The provisions of Supplementary Order No. 18, licensing persons selling lumber, lumber products or building materials, are applicable to every person (except manufacturers of asbestos-cement building materials) making sales of asbestos-cement building materials for which maximum prices are fixed by this regulation.

SEC. 3.2 Adjustable pricing. Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authori-

⁶ 8 F.R. 4132, 5987, 7662, 9998.

⁷ 8 F.R. 11681.

⁸ 7 F.R. 7240, 11007.

zation may be given when a request for a change in the applicable maximum prices is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

Sec. 3.3 Taxes. There may be added to the maximum prices established by this regulation the amount of tax levied by any Federal excise statute or any State or municipal sales, gross receipts, gross proceeds, or compensating use tax statute or ordinance, under which the tax is measured by gross proceeds or units of sale, if, but only if, (a) such statute or ordinance requires the vendor to state the tax separately from the purchase price paid by the purchaser, consumer, or user on the bill, sales check, or evidence of sale at the time of the transaction; or (b) such statute or ordinance requires such tax to be paid separately by the purchaser, consumer, or user with tokens or other media of State or municipal tax payment; or (c) such statute or ordinance permits the vendor to state such tax separately, and such tax is in fact stated separately by the vendor. The amount of tax permitted to be added by this provision shall in no event exceed that paid by the purchaser, consumer, or user.

Supplementary Order No. 31⁶ issued by the Office of Price Administration dealing with the treatment of the tax on the transportation of property for hire imposed by the Revenue Act of 1942, shall be applicable to sales of asbestos-cement building materials under this regulation.

Sec. 3.4 Records and reports—(a) Records. Every person making sales or deliveries subject to this regulation must keep records containing a description of the sale and delivery, including the date of the shipment, the name and address of the purchaser, the point of origin and the point of delivery of the shipment, the quantity (in squares or square feet) of each grade, type, shape, size, kind and color of asbestos-cement building materials sold, the price charged, and all discounts and allowances given the buyer. Records of the kind the seller has customarily kept must also be retained. Purchasers must keep similar records. All such records must be available for inspection by representatives of the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

(b) Reports. Persons subject to this regulation shall submit such reports to the Office of Price Administration as it may from time to time require, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

⁶ 7 F.R. 9694; 8 F.R. 1312, 3702, 9521.

Sec. 3.5 Applications for adjustment. Only applications for individual price adjustment which fall properly within the provision of this section will be granted under this regulation. Any person who has entered into or proposes to enter into a contract with the United States Government or any agency thereof, or with the Government of any country whose defense the President deems vital to the defenses of the United States under the terms of the Act of March 11, 1941, entitled "An Act to promote the defense of the United States," or any agency of any such Government, or a subcontract under any such contract, who believes that a maximum price established by this regulation impedes or threatens to impede the production, manufacture, or distribution of asbestos-cement building materials which are essential to the war program and which are or will be the subject of such contract or subcontract, may file an application for adjustment of such maximum price in accordance with the provisions of Revised Procedural Regulation No. 6, as amended.⁷

Sec. 3.6 Petition for amendment. Any person seeking an amendment of this regulation may file a petition for amendment in accordance with the provisions of Revised and Procedural Regulation No. 1,⁸ issued by the Office of Price Administration.

A petition for an amendment must propose a change or changes in the regulation of general applicability to the industry as a whole or to a substantial portion thereof, or a change affecting all sellers in a given area, as distinguished from an application which seeks merely an individual price adjustment.

Sec. 3.7 Saving clause. The provisions of Supplementary Order No. 40⁹ issued by the Office of Price Administration, regarding the effect of repeal, revocation, amendment, or other modification of any price regulation, are hereby incorporated into and made a part of this regulation.

Supplementary Order No. 40 provides that the repeal, revocation, amendment, or other modification of a price regulation or of any part thereof, shall not have the effect of releasing or extinguishing any penalty or liability incorporated under such price regulation but such price regulation or part thereof shall be treated as remaining in force for the purpose of allowing or sustaining any proper suit, action, prosecution, or proceeding with respect to such penalty or liability.

Sec. 3.8 Abbreviations used for company names herein. Throughout this regulation, the following abbreviations are used to refer to members of the asbestos-cement building materials industry, as follows:

"Atlantic" means the Atlantic Asphalt and Asbestos Company.

"Carey" means The Philip Carey Manufacturing Company.

"Dorn" means The R. J. Dorn Company.

"Flintkote" means The Flintkote Company.

"J-M" means the Johns-Manville Sales Corporation.

"K & M" means the Keasbey & Mattison Company.

"Ruberoid" means the Ruberoid Company.

"U. S. G." means the United States Gypsum Company.

Article IV—General Price and Transportation Provisions

Sec. 4.1 Computation of maximum prices and freight charges. The articles following set forth list prices for asbestos-cement building materials. For the purpose of determining maximum prices for these products, truckload shipments are considered as carload shipments, and less-than-truckload shipments are considered as less-than-carload shipments, and take the designated price for the appropriate rail shipments.

Each article following specifies the extent of transportation charges to be borne by the purchaser; all other transportation costs shall be borne by the manufacturer. The amount of transportation charges which the purchaser may be required to bear, may be increased to the extent provided in Supplementary Order No. 31 issued by the Office of Price Administration.

Sec. 4.2 Transportation definitions. When used in this regulation the terms:

(a) "Carload" means a quantity or combination of one or more grades, types and sizes of asbestos-cement building materials with or without other products taking the same freight rate, the aggregate weight of which totals at least the lowest applicable minimum carload weight as required in the established tariffs of rail carriers.

(b) "Less than carload" means a quantity or combination of one or more grades, types and sizes of asbestos-cement building materials with or without other products, taking the same freight rate, the aggregate weight of which is less than that referred to in (a) above.

(c) "Truckload" means a quantity or combination of one or more grades, types and sizes of asbestos-cement building material with or without other products, taking the same freight rate, the aggregate weight of which totals at least the highest applicable minimum truckload weight as required in the established tariffs or rate schedules of motor carriers.

(d) "Less than truckload" means a quantity or combination of one or more grades, types and sizes of asbestos-cement building materials with or without other products, taking the same freight rate, the aggregate weight of which is less than that referred to in (c) above.

Sec. 4.3 Transportation practices applicable to asbestos-cement building materials. The following practices are applicable to all shipments of the various types of asbestos-cement building materials as specified in the articles following. Other provisions as to transportation charges and freight equalization for specific asbestos-cement building materials are to be found in the applicable articles below:

(a) **Practice I—Prices applicable.** In all cases throughout this regulation, every carload and truckload shipment of asbestos-cement building materials will take the price specified as the carload price, and every less-than-carload

⁷ 7 F.R. 5087, 5664, 8 F.R. 6173, 6174, 12024.

⁸ 7 F.R. 8961; 8 F.R. 3313, 3533, 6173, 11806.

⁹ 8 F.R. 4325.

and less-than-truckload shipment will take the price specified as the less-than-carload price.

(b) *Practice II—Shipments to destinations within listed equalization points or free delivery zones.* No charge for transportation may be added to the maximum prices set forth in this regulation on shipments made to equalization points or free delivery zones specified in the several following articles of this regulation for the types of products governed in each case by the applicable article.

(c) *Practice III—Shipments to destinations not within any equalization point or free delivery zone.* On all shipments to destinations not within an equalization point or free delivery zone listed in the applicable article appearing hereafter in this regulation the transportation charge must be shown as a separate entry on the invoice. The charge permitted under this regulation shall be computed by applying to the weight of the shipment as determined from the manufacturer's published price list the freight rate, by the mode of transportation actually used, from the governing equalization point to the destination. The "governing equalization point" is that equalization point listed in the applicable article of this regulation the use of which results in the lowest delivered price at the destination.

In the case of truckload shipments, however, for all products other than asbestos-cement wallboard the transportation charge shall be computed on the basis of the carload rail freight rate, unless the actual cost of trucking to the seller exceeds such carload rail freight rate, in which event the actual cost of trucking may be used as the basis of computation. In no event, however, shall such transportation charge exceed the less-than-carload rail freight rate.

If it is required by any War Procurement Agency (as defined in section 2.4 (b), above) that billing for its purchases be made in the form of a single "lump" sum, such a required method of invoicing may be used notwithstanding any other provisions of this regulation. *Provided*, That the applicable freight rates, including the freight rates to destination from both the actual point of shipment and the proper equalization point under the appropriate provisions of this regulation, are noted on each such invoice.

(d) *Practice IV—Sales to railroads.* All sales of any asbestos-cement building materials governed by this regulation to railroads shall be considered as sales of carload quantities in determining both the prices and the amount of freight allowance required to be made by the seller.

Article V—Flat Sheets, Sheathing, Lumber, Wallboard and Accessories

SEC. 5.1 *Computation of maximum prices.* The maximum prices for asbestos-cement flat sheets, sheathing, lumber, wallboard, and accessories therefor, shall be as set forth in Tables 1 and 2 of this regulation (section 5.4 hereof), together with the provisions regarding transportation charges, freight equalization and other additional charges contained in this Article and in accordance with Practices I through IV in section 4.3 above.

SEC. 5.2 *Equalization points for asbestos-cement flat sheets, sheathing, lumber, wallboard and accessories.* The prices stated in section 5.4 are stated f. o. b. the manufacturer's plant, but freight must be equalized with the following points:

Ambler, Pennsylvania.
Bound Brook, New Jersey.
Lockland, Ohio.
Manville, New Jersey.
Nashua, New Hampshire.
St. Louis, Missouri.
Waukegan, Illinois.

SEC. 5.3 *Additional charges.* A list of additional charges which may be made for further processing asbestos-cement flat sheets, sheathing, lumber, wallboard and accessories, appears immediately following Tables 1 and 2 in the next section. For further processing operations for which no maximum prices are there provided an additional charge may be made by the manufacturer performing such services not to exceed the additional charge the manufacturer made or offered to make (or, if he did neither, then the charge at which his closest competitor made or offered to make) for the performance of that process on a similar order to a purchaser of the same class at any time during March 1942. If neither the seller nor a close competitor of the seller rendered or offered to render that service to a purchaser of the same class during March 1942, the charge for the service shall be governed by section 10.1 hereof.

SEC. 5.4 *List tables and charges for asbestos-cement flat sheets, sheathing, lumber, wallboard and accessories—Tables 1 and 2—(a) List table.*

TABLE 1—ASBESTOS-CEMENT FLAT SHEETS, SHEATHING OR LUMBER

Thickness in inches:	List prices per square foot in dollars
$\frac{1}{8}$	.20
$\frac{3}{16}$	.25
$\frac{1}{4}$	.30
$\frac{5}{16}$	.35
$\frac{3}{8}$	.40
$\frac{1}{2}$	.50
$\frac{5}{8}$	.60
$\frac{3}{4}$	.70
$\frac{7}{8}$	.85
1	1.00
$1\frac{1}{4}$	1.25
$1\frac{1}{2}$	1.50
$1\frac{3}{4}$	1.75
2	2.00
$2\frac{1}{2}$	2.50
3	3.00
$3\frac{1}{2}$	3.50
4	4.00

DISCOUNTS FOR STANDARD SIZE SHEETS

	Trade buyers ¹	Consumer buyers ²
Bulk shipments	Less 55%..	Less 50%..
Crated shipments	Less 50%..	Less 45%..

¹ These are distributors who purchase materials for resale, erection contractors engaged in the sale and application of roofings and sidings, steel erection contractors and equipment manufacturers who use the materials as part of their finished product.

² These are railroads, industrials, general contractors, state, county, and municipal governments, and all others purchasing materials for their own use.

Standard size sheets are as follows:
Carey 42" x 48", 48" x 48", 42" x 96", and
Ruberoid 48" x 96".

J-M, 36" x 48", 42" x 48", 48" x 48", 42" x 96", and 48" x 96".

K & M, 36" x 48", 42" x 48", 42" x 96".

(1) *Charges for cut size sheets—Method of Figuring Cut Sizes.* Rectangular or diagonal cut sizes:

Material value of cut sizes is figured by multiplying length (in feet) by width (in feet) and carrying out the full multiplication and then dropping all but three decimal places. Then multiply the result by the list price and carry to three decimal places. Apply proper discount and carry to two decimal places adjusted as follows, and then multiply by the number of sheets involved.

144 sq. inches or more—less 5 discount points.

12 to 144 sq. inches—less 10 discount points.

Less than 12 sq. inches—less 25 discount points.

EXCEPTION: On pieces 4 square inches to 12 square inches all multiplications, length by width by list price by discount, are carried out in full to five decimal places.

Circular or irregular shapes:

Circular pieces and irregular shapes 10" or more in diameter may be charged for on the basis shown above for cut sizes, taking as a basis for the area of the circle the size of the square piece from which the circle can be cut. On these pieces there is a 15-point decrease from the allowable discounts for the square cut piece.

Freight on cut sizes is figured as follows:

Take square foot area per piece as arrived at above, multiply by the number of similar pieces involved, carrying the result to three decimal places, then multiply by the published weight per square foot carrying result to three decimal places. Multiply by freight rate applicable under section 4.1 and drop all but two decimal places in the result. Add to material value total as a separate item.

(2) *Additional charges. Drilling, countersinking and counterboring.* Drilling charges are based on $\frac{1}{4}$ " thickness. A hole in $\frac{1}{2}$ " material would be twice the cost of a hole through $\frac{1}{4}$ " material, etc. A thickness of less than $\frac{1}{4}$ " may be considered as a $\frac{1}{4}$ " thickness and a thickness of over $\frac{1}{4}$ " and under $\frac{1}{2}$ " may be figured as a $\frac{1}{2}$ " thickness, etc. Charges for countersinking are based on the size of the "drilled" hole rather than on the size of the countersink.

Counterboring charges are computed on same basis as a drilled hole of the same diameter as the counterbore, through material equivalent in thickness to the depth of the counterbore, plus $\frac{1}{4}$ " thickness.

Charges for these services are as follows:

Size of hole (diameter)	Drilling charges	Countersinking charges
Up to $\frac{3}{8}$ " inclusive	\$0.01	\$0.0125
Over $\frac{3}{8}$ " up to $\frac{3}{4}$ " inclusive	.015	.075
Over $\frac{3}{4}$ " up to $\frac{1}{2}$ " inclusive	.025	.25
Over $\frac{1}{2}$ " up to $\frac{3}{4}$ " inclusive	.03	.30
Over $\frac{3}{4}$ " up to $\frac{1}{2}$ " inclusive	.075	
Over $\frac{1}{2}$ " up to $\frac{3}{4}$ " inclusive	.15	
Over $\frac{3}{4}$ " up to $1\frac{1}{2}$ " inclusive	.60	

A layout charge of \$2.00 may be made for quantities of less than 10 pieces without regard to size or design.

A layout charge of \$1.00 may be made for quantities over 10 pieces and less than 500 pieces.

No layout charge may be made for quantities over 500 pieces.

Sanding and polishing

Sanding charges are computed on a basis of \$0.025 net per square foot of surface to be sanded. The sheet charge may be made on the basis of the thickness of the sheet before sanding.

Polishing charges are likewise computed on a basis of \$0.025 net per square foot of surface to be polished.

Beveling

Beveling charges are net, per lineal foot of bevel, as follows:

	Equipment accounts	All other buyers ¹
Bevels of $.375''$ ($.34''$) face dimension or less, up to $\frac{1}{4}''$ in-and-down bevel.	\$0.04	\$0.06
Bevels of $.376''$ to $.532''$ ($.54''$) face dimension, over $\frac{1}{4}''$ to $\frac{3}{8}''$ in-and-down bevel.	.07	.09
Bevels of $.533''$ to $.750''$ ($.74''$) face dimension, over $\frac{3}{8}''$ to $\frac{1}{2}''$ in-and-down bevel.	.10	.12

¹ Equipment accounts are those manufacturers who include these materials as an integral part of equipment which they manufacture and sell.

(b) List table.

TABLE 2.—ASBESTOS-CEMENT WALLBOARD AND BATTENS—MAXIMUM PRICES PER SQUARE FOOT—FOR STANDARD SIZE WALLBOARD SHEETS
[Uncrated]

Thickness	Trade buyers ¹	Consumer buyers ²
$\frac{3}{16}''$	\$0.086 less 30%.....	\$0.086
$\frac{1}{4}''$	.12 less 30%.....	.12
$\frac{3}{8}''$	.17 less 30%.....	.17
$\frac{1}{2}''$	.30 less 30%.....	.30

¹ These are distributors who purchase materials for resale, erection contractors engaged in the sale and application of roofings and sidings, steel erection contractors and equipment manufacturers who use the materials as part of their finished product.

² These are railroads, industrials, general contractors, state, county, and municipal governments and all others purchasing materials for their own use.

Standard size wallboard sheets are as follows:

Asbestos Ltd.	
Celotex	
Flintkote	$48'' \times 48'', 48'' \times 96''$
J-M	
K & M	
Atlantic	$48'' \times 96''$
Rubberoid	
Carey	$\frac{3}{16}''$ thickness: $42'' \times 48'', 42'' \times 96'', 48'' \times 48'', 48'' \times 96''$ $\frac{1}{4}''$ thickness: $48'' \times 48'', 48'' \times 96''$ $\frac{3}{8}''$ thickness: $48'' \times 48'', 48'' \times 96''$

MAXIMUM PRICES PER LINEAL FOOT—FOR BATTENS $\frac{3}{16}''$ THICK

4' or 8' lengths	Trade buyers ¹	Consumer buyers ²
$2''$ width.....	\$0.025 less 30%.....	\$0.025
$3''$ width.....	.03 less 30%.....	.03
$4''$ width.....	.04 less 30%.....	.04

Crating charges for asbestos-cement wallboard and battens

\$2.50 per crate for 48" length (Wallboard and/or Battens)

\$3.00 per crate for 96" length (Wallboard and/or Battens)

(1) Additional charges for processing asbestos-cement wallboard—Scored wallboard. An additional charge of 1 cent per square foot may be made for 4" x 4" tile effect.

Beveling or rounding edges

An additional charge of 3 cents per lineal foot may be made for beveling or rounding edges.

Rounding corners

For pieces up to and including 300 square inches surface area and $\frac{3}{16}''$ and $\frac{1}{4}''$ thickness, an additional charge of 3 cents per corner may be made for rounding corners to radii $\frac{1}{16}''$ to $\frac{1}{2}''$. On pieces of similar surface area in $\frac{3}{8}''$ and $\frac{1}{2}''$ thicknesses an additional charge of 4 cents, instead of 3 cents, per corner may be made.

On pieces of more than 300 square inches surface area, these charges may be doubled.

In lots of 10 pieces or more, a discount of 10 percent must be allowed.

Sanding and polishing

An additional charge of $2\frac{1}{2}$ cents per square foot may be made for sanding.

An additional charge of $2\frac{1}{2}$ cents per square foot may be made for polishing.

Article VI—Flexible Wallboard

SEC. 6.1 Computation of maximum prices. Maximum prices for asbestos-cement flexible wallboard shall be as set forth in Table 3 of this regulation (section 6.3 herein) together with the provisions regarding transportation charges, freight equalization and other additional charges contained in this Article and governed by Practices I through IV as stated in section 4.3 above.

SEC. 6.2 Specific price and transportation practices: Discounts and areas—(a) Areas and zones. The following areas and zones are defined as follows for the purpose of determining the maximum prices of asbestos-cement flexible wallboard:

(1) Pacific Coast Area. The Pacific Coast Area includes the States of California, Arizona, Utah, Idaho, Nevada, Oregon, Washington, and the County of McKinley in New Mexico.

(2) Eastern Area. The Eastern area consists of the Eastern Seaboard Zone and the Eastern Central Zone, both of which are defined below:

(i) Eastern Seaboard Zone. The Eastern Seaboard Zone includes parts of four states, consisting of the State of New York except the Counties of Allegany, Cattaraugus, Chautauqua, Erie, Niagara, and Wyoming; the Counties of Fairfield, Litchfield, New Haven, Middlesex and Hartford (except the Township of Enfield) and the Township of Colchester in New London County in Connecticut; the Counties of Tioga, Bradford, Susquehanna and Pike in Pennsylvania and the State of New Jersey except the Counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Hunterdon, Mercer, Salem and Warren.

(ii) The Eastern Central Zone. The Eastern Central Zone includes all parts of the United States not included in either the Pacific Coast Area or the Eastern Seaboard Zone.

(b) Discounts and specific practices—(1) Pacific Coast Area. On shipments into the Pacific Coast Area, as defined above, the following discounts shall be allowed:

(i) On shipments of one or more packages up to but not including 1,500 square feet—25%;

(ii) On shipments of 1,500 square feet or more, in full packages—25% and 15%.

(2) Eastern Seaboard Zone. On shipments of flexible wallboard to points in the Eastern Seaboard Zone, as defined above, the following discounts shall be allowed:

(i) Out of Nashua, New Hampshire or Ambler, Pennsylvania—A 10% discount from list prices must be allowed on shipments from these points in quantities of 10 tons or more, and this discount shall extend also to the prices of any accessories included in such shipments;

(ii) Out of Manville, New Jersey or St. Louis, Missouri—A 10% discount from list prices shall be allowed on shipments from these points in quantities of 10 tons or more, or in any quantity if combined with asphalt roofing products or with any products taking the same freight rate as asphalt products in shipments totaling 10 tons or more. This discount shall likewise extend to the list prices of any accessories included in such shipment.

(3) Eastern Central Zone. A discount of 10% from list prices must be allowed on any shipment of flexible wallboard to a destination within the Eastern Central Zone as defined above in quantities totaling 1,000 square feet or more, and this discount shall likewise apply to any accessories regardless of the quantity thereof included in such shipment.

SEC. 6.3 List tables and charges for asbestos-cement flexible wallboard. (a) For J-M and K & M:

TABLE 3A.—ASBESTOS-CEMENT FLEXIBLE WALLBOARD AND BATTENS

[Prices are per square foot unless otherwise specified]

Manufacturer and Product	Size	Sheets Per Crate	Eastern Area dealer prices			Pacific Coast Area dealer prices
			J-M f. o. b. Nashua, N. H.	J-M f. o. b. Manville, N. J. and Waukegan, Ill. K & M f. o. b. Ambler, Pa.	J-M f. o. b. Marrero, La.	
Johns-Manville:						
Plain.....	$\frac{1}{8}'' \times 4' \times 8'$	4.....	\$.06	\$.063	\$.069	\$.125
Scored.....	$\frac{1}{8}'' \times 4' \times 4'$	6.....	.0745	.078	.0815	.17
Decorative Plain.....	$\frac{1}{8}'' \times 4' \times 8'$	4.....	.153	.157	.164	.275
Decorative Scored.....	$\frac{1}{8}'' \times 4' \times 4'$	6.....	.17	.173	.18	.305
DeL DeLuxe Board $\frac{3}{8}''$ thick:						
All styles and colors.....				.26	.265	.27
$\frac{3}{8}''$ Thick Plain.....				.08	.085	.099
Battens (per lineal ft.)						
$1\frac{3}{4}'' \times 4''$.....				.04	.045	.05
$2'' \times 4''$.....				.05	.055	.06
$4'' \times 4''$.....				.07	.075	.08
Keasbey and Mattison:						
Plain.....	$\frac{1}{8}'' \times 4' \times 8'$	16.....	.06	.063	.069	
Decorative Plain.....	$\frac{1}{8}'' \times 4' \times 8'$	8.....	.153	.157		
Decorative Scored.....	$\frac{1}{8}'' \times 4' \times 4'$	10.....	.17	.173	.178	
Battens (per lineal ft.)		25 pes. per pkg.		.04	.045	

Crating charges: When $\frac{1}{8}''$ or $\frac{3}{16}''$ thick plain flexible wallboard is shipped from Nashua, New Hampshire, Manville, New Jersey, Ambler, Pennsylvania, or St. Louis, Missouri, J-M and K & M may make an additional charge of \$2.50 per M square feet for crating $\frac{1}{8}''$ thick

material or \$8.00 per M square feet for crating $\frac{3}{16}$ " thick material. No crating charge may be made for Decorative Sheets.

(b) For Carey:

TABLE 3B

Carey	Size	Sheets for crate	"A" buyers		"B" buyers	
			Crated	Uncrated	Crated	Uncrated
Plain sheets.....	$\frac{3}{16}$ " x 4' x 4'	8	\$.065	\$.05	\$.078	\$.06
	$\frac{3}{16}$ " x 4' x 4'	16	.059	.05	.071	.06
	$\frac{3}{16}$ " x 4' x 4'	24	.057	.05	.065	.06
	$\frac{3}{16}$ " x 4' x 8'	4	.071	.05	.085	.06
	$\frac{3}{16}$ " x 4' x 8'	8	.062	.05	.074	.06
	$\frac{3}{16}$ " x 4' x 8'	12	.059	.05	.071	.06

Classes of buyers. Class "A" buyers are distributors, dealers, erection contractors, and equipment accounts and similar classes, based on the company's practice in March 1942. Class "B" buyers are all others.

Freight charges. Prices may be quoted f. o. b. Lockland, Ohio; freight must be equalized on rail and/or water shipments with Ambler, Pennsylvania, Manville, New Jersey, Marrero, Louisiana, and Waukegan, Illinois.

Scoring charges. For scoring, an additional charge of \$.02 net per square foot may be made.

Article VII—Corrugated Sheets

SEC. 7.1 Computation of maximum prices. Maximum prices for asbestos-cement corrugated sheets shall be as set forth in Table 4 of this regulation (section 7.5 herein) together with the provisions regarding transportation charges, freight equalization and other additional charges contained in this article and in accordance with Practices I through IV set forth in section 4.3 above.

SEC. 7.2 Equalization points for asbestos-cement corrugated sheets. The prices stated in section 7.5 are stated f. o. b. the manufacturer's plant, but freight must be equalized with the following points:

Ambler, Pennsylvania
Bound Brook, New Jersey
Lockland, Ohio
Manville, New Jersey
St. Louis, Missouri
Waukegan, Illinois
Nashua, New Hampshire¹⁰
New Orleans, Louisiana¹¹

SEC. 7.3 Discounts. The most favorable discount from the prices set forth in Table 4 of this Article which was given to any purchaser at any time between January 1, 1942 and July 1, 1943 must continue to be given to such purchaser by the seller on every similar transaction under this regulation.

SEC. 7.4 Accessories manufactured by the seller. The maximum price for any accessory manufactured by the seller of corrugated sheets under this regulation shall be no higher than the price at which it was sold or offered for sale by that seller to a purchaser of the same class on a similar sale made at any time during March 1941. If the seller neither sold the accessory nor offered it for sale

during March 1941 he may sell it at the highest price at which his closest competitive seller sold it or offered it for sale to a purchaser of the same class in March 1941. If neither the seller nor his closest competitive seller sold the accessory or offered it for sale during March 1941, the maximum price therefor is governed by the provisions of section 10.1 hereof.

SEC. 7.5 List table and charges for asbestos-cement corrugated sheets—Table 4—(a) List table.

TABLE 4—ASEBOS-CEMENT CORRUGATED SHEETS 42" WIDE (UNCRATED)

Gross length	Sheet area in square feet	Std. 2.625" corrugation ¹	Std. 4.2" corrugation ¹	Water repellent 4.2" corrugation
3' 0"	10.50	\$1.037	\$1.667	\$1.642
3' 6"	12.25	1.245	1.280	1.970
4' 0"	14.00	1.452	1.500	2.298
4' 6"	15.75	1.660	1.708	2.627
5' 0"	17.50	1.867	1.921	2.955
5' 6"	19.25	2.075	2.134	3.284
6' 0"	21.00	2.282	2.348	3.612
6' 6"	22.75	2.490	2.561	3.940
7' 0"	24.50	2.698	2.775	4.269
7' 6"	26.25	2.905	2.988	4.597
8' 0"	28.00	3.113	3.202	4.926
8' 6"	29.75	3.320	3.415	5.253
9' 0"	31.50	3.520	3.628	-----
9' 6"	33.25	3.740	3.842	-----
10' 0"	35.00	3.940	4.055	-----
10' 6"	36.75	4.150	4.269	-----
11' 0"	38.50	4.360	4.482	-----
11' 6"	40.25	-----	4.695	-----
12' 0"	42.00	-----	4.909	-----

¹ Where the maximum stock length manufactured is 10' 10", and when 10' 6" or 11' 0" sheets are required, two shorter lengths including lap shall be furnished for the price of the 10' 6" or 11' 0" sheets required.

When lengths exceeding 11' 0" are required, two shorter lengths of 4.2" corrugation, including laps, at the price of 11' 6" or 12' 0", as required, shall be furnished.

(b) Additional charges—Cutting charges. For intermediate and odd lengths, a charge may be made for the next full size sheet with no extra charge for cutting. For diagonal and longitudinal cutting, where required at gable ends, sash doors, windows, etc., an additional charge of \$1.00 per sheet may be made.

An additional charge of \$.05 per cut corner may be made for cutting corners of sheets for straight joint application.

Additional charges permitted for crating corrugated sheets are as follows:

For Ruberoid—25% of the applicable maximum price.

For all other sellers—15% of the applicable maximum price.

Article VIII—Asbestos-Cement Shingles, Siding and Accessories—Eastern Area

SEC. 8.1 Application of this article. The provisions of this article shall apply

to all sales of asbestos-cement shingles, siding and accessories in which the point of destination is within the Eastern Area. The Eastern Area includes all the continental United States except the States of California, Oregon, Washington, Nevada, Arizona, New Mexico (except McKinley County) and the County of Lemhi in Idaho.

SEC. 8.2 Computation of maximum prices. Maximum list prices, together with transportation provisions are set forth in section 8.4 for asbestos-cement shingles, siding and accessories in the Eastern Area. Section 4.3 is also applicable. In addition to all other allowances which may be required by section 4.3, the following allowances shall be made to the purchaser (by credit or refund) as indicated below:

(a) On carload or truckload shipments, full allowance of all transportation charges must be made from the shipping point to the equalization point. Full allowance must be made from the equalization point if the amount of the allowance does not exceed 9¢ per cwt. If the allowance does exceed 9¢ per cwt., then the seller may limit the allowance to that amount.

(b) On less-than-carload or less-than-truckload shipments, full allowance of all transportation charges must be made from the shipping point to the equalization point.

(c) When the shipment is made wholly or partially by water, the allowance to the purchaser shall include the established switching, wharfage and handling charges at the points of loading on vessels and unloading from vessels, where such charges are not included in the published rate of the carrier.

SEC. 8.3 Equalization points and free delivery zones for asbestos-cement shingles, siding and accessories—(a) Equalization points.

Mobile, Alabama

Chicago, Illinois

Chicago Heights, Illinois

Joliet, Illinois

Waukegan, Illinois¹²

Wilmington, Illinois

East Chicago, Indiana

New Orleans, Louisiana

Marrero, Louisiana

St. Louis, Missouri

Bound Brook, New Jersey

East Rutherford, New Jersey

Kenilworth, New Jersey¹³

Manville, New Jersey

Millington, New Jersey

Lockland, Ohio

Ambler, Pennsylvania

(b) Free delivery zones.

Ambler, Pennsylvania-Manville, New Jersey Zone. In the State of New Jersey: the Counties of Bergen, Essex, Hudson, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset and Union, and Camden and Delaware Townships in Camden County. In the State of

¹² The Ruberoid Company's Gothic shingles and accessories are required to be equalized only with those equalization points here set forth that are within the States of Missouri, Illinois, and Ohio.

¹³ Not required of J-M.

¹⁴ Not required of Carey or Ruberoid.

¹⁰ Does not apply to Carey.

¹¹ Applies only for the equalization of freight up to 25¢ per cwt. or \$1.00 per square.

Pennsylvania: Philadelphia County and the portion of Montgomery and Bucks Counties included within a line drawn from Ardmore to Norristown to Kulpssville to Doylestown to Brownsburg, including said Towns.

Cincinnati, Ohio Zone. In the State of Ohio: Hamilton County. In the State of Kentucky: the portion of Kenton and Campbell Counties north of a line drawn through Erlanger, Independence and Alexandria, and including said Cities.

Chicago, Illinois Zone. In the State of Illinois: the Counties of Cook, Lake, Du Page and Will; in Kane County, the Townships of Elgin, St. Charles, Geneva, Sugar Grove, Aurora and Batavia; in Kendall County, the Township of Oswego; in Kankakee County, the Townships of Rockville, Manteno, Sumner, Yellowhead, Momence, Gancer, Kankakee and Bourbonnais. In the State of Indiana: all that portion of Lake County which lies north of a line drawn through and including the corporate limits of Dyer, Hartsdale, Griffith, Ross, South Gary, New Chicago and East Gary.

St. Louis, Missouri Zone. In the State of Illinois: in Madison County, the Townships of Nameoki, Jarvis, Collinsville, Venice, Chouteau, Edwardsville, Pin Oak and Wood River, and the Townships in St. Clair County of Sugar Loaf, Stokey, St. Clair, Centerville, Canteen, Caseyville and O'Fallon. In the State of Missouri: that portion of St. Louis County which lies east and includes a line drawn through Fort Bellefontaine, Florissant, Roberton, Manchester and Valley Park.

Marrero, Louisiana Zone.—In the State of Louisiana: the corporate limits of Marrero, Shrewsbury, and New Orleans, and the towns from Algiers to Westwego (inclusive) on the south side of the Mississippi River.

Mobile, Alabama Zone. Corporate limits of Mobile, Alabama only.

SEC. 8.4 List prices and charges for asbestos-cement shingles, siding and accessories—Table 5—(a) Modifications of the provisions of paragraph (b) below. Notwithstanding the provisions of paragraph (b), below, the following conditions shall apply:

(1) For Carey. (i) Carey may limit freight equalization to a total of 38¢ per cwt., inclusive of the allowance of 9¢ per cwt. required under section 8.2 above.

(ii) On truckload shipments, Carey may charge the full less-than-carload list price without the discount set forth in Table 5 below, but must deduct from that price a discount of 15% and a further discount of 6%.

(iii) On less-than-carload shipments Carey must allow an additional discount of 6% beyond the list prices and discounts set forth in Table 5 below, except that where delivery on such shipments is made in Carey's own or hired trucks Carey may charge the full list price without the discount set forth in Table 5 below, but must allow a discount of 6% from that price.

(2) For U. S. G. Notwithstanding the provisions of Table 5 below, U. S. G. may limit the allowance of freight charges by it to a total of 30¢ per cwt., inclusive of the allowance of 9¢ per cwt. required by section 8.2 above, except that when shipment is made from St. Paul, Minnesota, U. S. G. may limit its allowance for freight to 15¢ per cwt., inclusive of the allowance of 9¢ per cwt. required by section 8.2 above.

(b) List table and charges for asbestos-cement shingles, siding and accessories for the Eastern Area—Table 5.

TABLE 5—ASESTOS-CEMENT SHINGLES, SIDING AND ACCESSORIES—EASTERN AREA

Maximum prices are determined by applying the following discounts to the list prices shown below:

[Less-than-carload shipments—7½%. Carload shipments—20% and 6%]

ASBESTOS-CEMENT HEXAGONAL AND DUTCH LAP SHINGLES

List prices
(per square)

(1) 16" x 16"	Hexagonal shingles:
Gray	\$7.90
Standard colors	8.15
Green	8.40
(2) 16" x 16"	Dutch lap shingles (1/4 side lap):
Gray	8.30
Standard colors	8.55
Green	8.80

ECONOMY CUT AND TAPERED AMERICAN METHOD SHINGLES

(1) Economy cut American method shingles, approx. 260 to 290 lbs. per square:

(a) Standard colors:

K & M \$9.00

All other sellers 8.55

(b) Green:

K & M 9.50

All other sellers 9.05

(2) Tapered American method shingles approx. 525 to 540 lbs. per square:

(a) Gray:

Ruberoid 14.15

All other sellers 13.15

(b) Standard colors:

Ruberoid 14.40

All other sellers 13.15

(c) Green (Except K & M Lindenwold):

Ruberoid 15.00

All other sellers 13.75

ASBESTOS-CEMENT SHINGLE ACCESSORIES

List prices (per
100 lineal feet)

(1) 3" x 16" or 4" x 16" starters, all colors:

Carey \$1.10

All other sellers 1.00

(2) Hexagonal starters:

(a) Gray:

Carey 4.60

All other sellers 4.50

(b) Standard colors:

Carey 5.20

All other sellers 4.65

(c) Green:

Carey 5.60

All other sellers 4.90

(3) Economy cut and American method shingle starters:

(a) J-M:

#36 All colors 4.35

#636 Standard colors 4.50

#636 Green 4.75

(4) Ridge roll:

Standard colors 17.00

Green 20.75

(5) Hip and ridge shingles:

(a) J-M:

#697 Standard colors 9.00

#697 Green 9.50

#97 Standard colors 12.25

#97 Green 12.55

#37 Standard colors 13.90

#37 Green 14.50

(5) Hip and ridge shingles—Con.

(b) Ruberoid: List prices (per

#211 Standard colors: 100 lineal feet)

Mobile plant \$12.25

All other plants 12.50

#211 Green:

Mobile plant 12.55

All other plants 13.75

#207 Standard colors 9.00

#207 Green 9.50

(c) Carey:

Standard colors 13.90

Green 14.50

(d) K & M:

#5R Standard colors 9.00

#5R Green 9.50

#16R Gray and white 11.95

#16R Standard colors 12.25

#16R Green 12.55

#92R Standard colors 12.25

#92R Green 12.55

(e) Flintkote:

#40 Standard colors 12.25

#40 Green 12.55

(f) U. S. G.

#301 Standard colors 12.55

#301 Green 12.55

ASBESTOS-CEMENT SIDINGS

(1) 12" x 24" (57 pieces per square) or 12" x 27" siding, standard surface hardness:

(a) Standard colors: List prices (per square)

K & M \$7.05

All other sellers 7.35

(b) White (also buff):

K & M 7.35

All other sellers 7.65

(2) 8½", 9", or 9½" x 22" or 24" or 27" siding, standard surface hardness:

(a) Standard colors:

Flintkote 7.75

All other sellers 7.45

(b) White:

Flintkote 8.05

Ruberoid 8.05

U. S. G. 8.05

All other sellers 7.75

(3) 12" x 24" (57 pieces per square) or 27" siding, extra hard surface:

(a) Standard colors:

Ruberoid or J-M 9.30

U. S. G. (green or brown) 9.58

(b) White:

Ruberoid or J-M 9.30

U. S. G. 9.30

(4) Weatherboard siding, #203 Carey—Gray 7.35

(5) Clapboard siding: K & M 9½" x 96" x ¾":

All colors 9.50

J-M—White:

f. o. b. Waukegan 9.80

f. o. b. Manville 10.95

f. o. b. Marrero 11.15

(6) 12" x 24" Double-Edge siding #210 Carey:

Gray 7.55

White 7.85

Article IX—Asbestos-Cement Shingles, Siding and Accessories—Western Area

SEC. 9.1 Application of this article.

The provisions of this article shall apply to all sales of asbestos-cement shingles, siding and accessories in which the point of destination is within the Western Area. The Western Area consists of the

States of California, Oregon, Washington, Nevada, Idaho (except Lemhi County), Utah, Arizona, and the County of McKinley in New Mexico.

SEC. 9.2 *Computation of maximum prices.* Maximum prices for asbestos-cement shingles, siding and accessories shall be as set forth in Table 6 below together with the provisions regarding transportation charges, freight equalization and other additional charges contained in this article and in accordance with Practices I through IV set forth in section 4.3 above.

In the case of U. S. G., a freight allowance of 35¢ per cwt. must be made on numbers 600, 700, 900, and 950 siding shingles. On all shipments, U. S. G. must equalize with Pittsburgh, California, up to a maximum of 75¢ per cwt. In the case of numbers 600, 700, 900, and 950 siding shingles, such equalization of 75¢ per cwt. shall include the allowance of 35¢ per cwt.

In the case of J-M, a freight allowance of 35¢ per cwt. of the lowest applicable freight rate must be made on shipments of numbers 105-U, 107-U, and 109-U Blended Gray and Oyster White siding shingles on shipments from Pittsburgh, California.

SEC. 9.3 *List prices and charges for asbestos-cement shingles, siding and accessories—Table 6—(a) Application.* The prices set forth in Table 6 below apply in terms only to the U. S. G. and J-M. Any company, however, producing asbestos-cement shingles, siding and accessories at a plant or plants situated in that part of the United States east of the Mississippi River or in the States of Minnesota, Iowa, Missouri, Arkansas, or Louisiana, may ship such materials to destinations in the Western Area (as defined in section 9.1) from such plant or plants at prices f. o. b. the shipping plant which are the same as the prices set forth in Table 6 below as pertaining to shipments into the Western Area by the U. S. G., f. o. b. East Chicago, Indiana.

(b) *Table of list prices for asbestos-cement shingles, siding and accessories for the Western Area.*

TABLE 6.—MAXIMUM PRICES ARE DETERMINED BY APPLYING THE FOLLOWING DISCOUNTS TO THE LIST PRICES SHOWN BELOW:

J-M Less-than-carload shipments—5%.
J-M Carload shipments—20%.
U. S. G. Carload shipments—20% and 6%.

ASBESTOS-CEMENT HEXAGONAL AND DUTCH LAP SHINGLES

	List prices (per square)		
	J-M Pitts- burg, Cal- ifornia	J-M Los An- geles, Cal- ifornia	U. S. G. East Chicago, Indiana
16" x 16" hexagonal shingles:			
Standard colors.....	\$8.80	\$9.72	\$8.40
Green.....	9.10	10.02	8.65
16" x 16" Dutch lap shingles:			
Standard colors.....	9.10	10.02	8.65
Green.....	9.35	10.27	8.90

ASBESTOS-CEMENT ECONOMY CUT AND TAPERED AMERICAN METHOD SHINGLES

	List prices (per square)	
	J-M, Pitts- burg, Cal- ifornia	J-M, Los Angeles, California
Economy cut American method shingles, approx. 260 to 290 lbs. per sq.		
Gray.....	\$9.00	\$9.95
All other colors.....	10.00	10.95
Tapered American method shingles, approx. 525 to 540 lbs. per sq.		
Standard colors.....	14.90	16.55
Green.....	15.75	17.40
Copper.....	17.35	19.00

ASBESTOS CEMENT SHINGLE ACCESSORIES

	List prices (per 100 lineal feet)		
	J-M Pitts- burg California	J-M Los Angeles California	U. S. G. East Chicago Indiana
1st course starters:			
3" x 15" or 16" starter.....	\$1.05	\$1.22	\$1.00
4" x 16" starter.....	1.05	1.25	1.00
J-M #36 9 1/2" x 17" starter.....	4.90	5.57	-----
Hexagonal starters:			
Gray.....	5.05	5.45	4.80
All other colors.....	5.30	4.70	4.80
U. S. G. green.....			5.05
Economy cut American method shingle starters:			
J-M #536 standard colors.....	4.50	4.70	-----
J-M #536 green or copper.....	5.00	5.20	-----
Ridge roll:			
Standard colors.....	18.80	20.15	17.90
Green or copper.....	23.10	24.45	22.00
Hip and ridge shingles:			
J-M:			
#597 gray.....	9.00	9.95	-----
#597 other colors.....	10.00	10.95	-----
#37 standard colors.....	15.85	17.25	-----
#37 green or copper.....	16.80	18.20	-----
#97 standard colors.....	13.35	14.45	-----
#97 green or copper.....	13.65	14.75	-----
U. S. G.:			
#301 standard colors.....		12.70	-----
#301 green.....		12.90	-----

ASBESTOS-CEMENT SIDINGS

	List prices (per square)		
	J-M Pitts- burg, Cal- ifornia	J-M Los Angeles California	U. S. G. East Chicago Indiana
J-M:			
12" x 24" (57 pcs. per sq.) Gray.....	\$8.25	\$8.25	-----
12" x 24" (57 pcs. per sq.) White.....	8.65	8.65	-----
U. S. G.:			
#600 and #700 W. R. Gray.....			\$8.25
White.....			8.65
#600 Glates:			
White.....		10.31	-----
Brown or green.....		10.58	-----
#906 Clapboard.....		9.30	-----

Article X—Miscellaneous Provisions

SEC. 10.1 *Maximum prices for listed and unlisted asbestos-cement building materials—(a) Listed products.* For all asbestos-cement building materials expressly listed above or for the maximum prices for which express provision is made in preceding parts of this regulation, the maximum prices shall be as so listed or provided for whether in any

specific case the manufacturer has or has not manufactured such products before.

Such products so provided for above shall be considered as coming within the provisions of this paragraph in cases where only one set of maximum prices is set forth. Where, however, more than one set of maximum prices is provided for a specific product, a seller for whom no provision is made may choose either of the following alternatives:

(1) He may take as his maximum prices the lowest set of prices set forth in the regulation, reporting his intention to do so to the Office of Price Administration at Washington, D. C., before any sale or offer to sell is made by him; or

(2) He may apply to the Office of Price Administration for the authorization of a maximum price or maximum prices in accordance with the provisions of § 1499.154, and sections therein referred to, of Maximum Price Regulation No. 188 (Manufacturer's Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel).

(b) *Unlisted products.* For all asbestos-cement building material, not including accessories, not expressly listed above, the maximum prices f. o. b. shipping or equalization points shall be the net f. o. b. shipping or equalization points selling prices (after deduction of all discounts and allowances, whether published or unpublished) which were actually charged or which were actually offered to be charged (upon the basis of the prices, discounts, and allowances, whether published or unpublished, then listed or quoted by the seller) by the seller on a sale made during March 1942: *Provided*, That the date of March 1941 shall be used instead of March 1942 in the case of all sales of corrugated roofing and siding sheets under this paragraph to the same purchaser or class of purchaser for like quantities, grades, types, shapes, sizes, kinds, or colors, of asbestos-cement building materials, exclusive of any premiums or charges for advanced delivery or any other inducement that may then have been offered by the buyer or demanded by the seller to negotiate the sale. If no such sale or offer to sell was actually made by the seller, he may take as his maximum price the maximum price similarly determined on an actual sale or offer to sell made by his closest competitive seller. If neither the seller nor a close competitor sold or offered to sell the products to a purchaser of the same class during March 1942 (March 1941, for corrugated roofing or siding sheets) the maximum price or prices for the product shall be determined in accordance with § 1499.154, and sections therein referred to, of Maximum Price Regulation No. 188 (Manufacturer's Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel).

(c) *Changes in product number or designation only.* If only the product number or designation listed in this regulation for any asbestos-cement building material is changed by a seller, the change must be reported to the Office of Price Administration, Washington, D. C., not less than ten days before the first

sale or offer for sale of the product under the new product number or designation.

(d) *Changes in quality.* If the quality of any seller's asbestos-cement shingles is reduced below the standards of Federal Specification SS-S-291, or if the quality of any other asbestos-cement building material is reduced below its quality as of March 1942, the product must be considered to be a new product within the meaning of this regulation and a maximum price for it must be applied for in accordance with the provisions of § 1499.154, and sections therein referred to, of Maximum Price Regulation No. 188 (Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel).

(e) *Accessories.* For accessories manufactured by sellers of asbestos-cement building materials and not covered by any other regulation (excluding the General Maximum Price Regulation) issued by the Office of Price Administration, the maximum prices shall be no higher than the prices at which the seller actually sold or offered to sell those accessories to a purchaser of the same class during March 1942 (or, if he neither sold or offered to sell such accessories during that month, then the prices at which his closest competitor sold them or offered to sell them). If neither the seller nor a close competitor actually sold or offered to sell the accessories during March 1942, the maximum prices therefor shall be determined in accordance with the provisions of § 1499.154, and sections therein referred to, of Maximum Price Regulation No. 188 (Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other than Apparel).

SEC. 10.2 Discounts. The discounts set forth in the Tables of this regulation are minimum discounts only. On all products except corrugated sheets (the discount requirements for which are expressly stated in section 7.3 above) the most favorable discount which was allowed to purchasers of the same class at any time during March 1942 must continue so to be allowed to such purchasers notwithstanding any other provisions of this regulation.

All of the discounts set forth in the Tables of this regulation must be prominently set forth on any and all price lists issued subsequent to the effective date of this regulation.

SEC. 10.3 Other definitions. Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to terms used and not separately defined herein.

Effective date. This regulation shall become effective September 18, 1943.

NOTE: The reporting requirements of this Regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 13th day of September 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-15001; Filed, September 14, 1943; 10:52 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS
[Rev. MPR 237¹]

FIXED MARK-UP REGULATION FOR SALES OF CERTAIN FOOD PRODUCTS AT WHOLESALE

A statement of the considerations involved in the issuance of this Order of Revocation, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation No. 237 (§ 1351.501) is hereby revoked subject to the provisions of Supplementary Order 40.²

This order shall be effective as of September 18, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 13th day of September 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-14990; Filed, September 14, 1943; 9:59 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS
[Rev. MPR 270,³ Amdt. 8]

DRY EDIBLE BEANS, SALES EXCEPT AT WHOLESALE AND RETAIL

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1351.1203 (j) is added to read as follows:

(j) (1) The maximum prices for sales and deliveries of those varieties of the 1943 crop of dry edible beans, designated in Commodity Credit Corporation Instruction of June 30, 1943,⁴ by country shippers (or growers performing the function of country shippers) to the United States Government (or authorized purchaser or otherwise designated exempt agencies as set forth in Food Distribution Order No. 45)⁵ shall be the maximum prices established by this regulation, or the "support prices" for those varieties of the 1943 crop of dry edible beans, whichever are higher.

(2) The maximum prices for sales and deliveries of those varieties of the 1943 crop of dry edible beans, designated in Commodity Credit Corporation Instruction of June 30, 1943,⁶ by country shippers (or growers performing the functions of country shippers) to other country shippers shall be the maximum prices established by this regulation or the "support prices" for those varieties of the 1943 crop of dry edible beans, whichever are higher: *Provided, however,* That in all such sales the country shippers must exchange and retain with the other rec-

*Copies may be obtained from the Office of Price Administration.

¹ 8 F.R. 6120, 6424, 7384, 7661, 8681, 9019, 9331.

² 8 F.R. 4325.

³ 8 F.R. 1061, 2335, 3106, 3370, 4732, 5810, 9335, 10986.

⁴ 8 F.R. 8098.

⁵ 8 F.R. 4228, 9106.

ords required by this regulation to be retained, invoices and receipts showing their respective names and addresses, the variety, quality and crop year designations of the beans, the sale price and the respective country shipper registration numbers issued by the Food Rationing Division of the Office of Price Administration.

(3) All sales other than those described in (j) hereof shall be made at prices no higher than the maximum prices otherwise established by this regulation.

This regulation shall become effective September 13, 1943.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 13th day of September 1943.

GEORGE J. BURKE,
Acting Administrator.

Approved: September 10, 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-14989; Filed, September 14, 1943; 9:59 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS
[MPR 427,¹ Amdt. 1]

PROCESSED BEANS, MACARONI PRODUCTS AND NOODLE PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 427 is amended in the following respects:

1. The preamble is amended to read as follows:

This Maximum Price Regulation No. 427 is issued by the Price Administrator in order to establish maximum prices for processed beans, macaroni products and noodle products at levels which are generally fair and equitable, and which will aid in stabilizing the cost of living. This regulation covers sales by processors, wagon wholesalers and primary distributors of processed beans, as defined in Section 18, and of macaroni products and noodle products which have been cooked and combined with sauce. Sales by producers, wagon wholesalers and primary distributors of macaroni products and noodle products which have not been cooked and combined with sauce are governed by Maximum Price Regulation No. 326² and not by this regulation. A statement of the considerations involved in the issuance of this regulation has been issued and filed with the Division of the Federal Register.

2. Section 13a is added to read as follows:

¹ 8 F.R. 9775.

² 8 F.R. 2098, 4346.

SEC. 13a. *Notification of change in maximum price.* With the first delivery after September 17, 1943, of an item of processed beans, macaroni products or noodle products, in any case where a processor, wagon wholesaler or primary distributor has determined or shall determine his maximum price pursuant to Section 2, 3, 6 or 7 of this regulation, he shall:

(a) Supply each wholesaler and retailer who purchases from him with written notice as set forth below:

[Insert date]

Notice to Wholesalers and Retailers
Our OPA ceiling price for _____
(Describe item by

brand, grade, variety and container type and _____ has been changed by the Office of Price size)

Administration. We are authorized to inform you that if you are a wholesaler or retailer pricing this item under Maximum Price Regulation No. 421, 422 or 423, you must refigure your ceiling price for this item on the first delivery of it to you from your customary type of supplier containing this notification on or after September 18, 1943. You must refigure your ceiling price following the rules in section 6 of Maximum Price Regulation No. 421, 422 or 423, whichever is applicable to you.

For a period of 60 days after making such change in the maximum price of an item, and with the first shipment after the 60-day period to each person who has not made a purchase within that time, each processor shall include in each case or carton containing the item the written notice set forth above.

(b) Notify each purchaser of the item from him who is a distributor other than a wholesaler or retailer of such change in maximum price by written notice attached to or written on the invoice issued in connection with his first transaction with such purchaser after September 17, 1943, as follows:

[Insert date]

Notice to Distributors other than Wholesalers and Retailers
Our OPA ceiling price for _____
(Describe item by

brand, grade, variety and container type and _____ has been changed from \$_____

to \$_____ under the provisions of Maximum Price Regulation No. 427. You are required to notify all wholesalers and retailers for whom you are the customary type of supplier, purchasing the item from you after September 17, 1943, of any allowable change in your maximum price. This notice must be made in the manner prescribed in section 13a (a) of Maximum Price Regulation No. 427.

This amendment shall become effective September 18, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 13th day of September 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-15002; Filed, September 14, 1943; 10:53 a. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH
[MPR 394,¹ Amdt. 4]

RETAIL CEILING PRICES FOR KOSHER BEEF, VEAL, LAMB AND MUTTON CUTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 394 is amended in the following respects:

1. Section 2 (b) is amended to read as follows:

(b) *Your zone.* You can find out from your local War Price and Rationing Board or your OPA office what zone your store is in. After each list of prices in Section 19, Article II, there is a description of the zone in which that list of prices applies. The zones are the same for variety meats and edible by-products. They are also the same for sausage except that Zone 4-A which is described at the end of Section 22, Article II, is taken out of Zone 4 and made into a separate zone.

2. The headings of the items listed below the table heading "Beef" in the table contained in section 22 (a) are amended to read as follows:

Beef	
Brains	
Cheek meat lip on	
Feet	
Heart, blemished	
Kidneys	
Lips	
Livers, unblemished	
Livers, blemished	
Lungs	
Melts	
Sweetbreads, unblemished	
Sweetbreads, blemished	
Tails under $\frac{3}{4}$ lb.	
Tails $\frac{3}{4}$ lb. and up	
Tongues, unblemished	
Tongues, canner	
Tripe (scalded)	

3. The table contained in section 22(b) is amended by designating the heading of

the first column as "Veal" and amending the headings of the items below this designation to read as follows:

Veal
Brains
Caul fat
Feet
Head skinned
Heart
Heart and melt
Lips
Livers, unblemished
Livers, blemished
Lungs, heart and melt
Melts
Sweetbreads, unblemished
Pairs, under 6 oz.
Pairs, 6-12 oz.
Pairs, over 12 oz.
Tails under $\frac{3}{4}$ lb.
Tails $\frac{3}{4}$ lb. and up
Tongues, unblemished
Tongues, canner

4. The table contained in section 22(c) is amended by designating the heading of the first column as "Lamb and mutton" and amending the headings of the items below this designation to read as follows:

Lamb and mutton
Brains
Caul fat
Head skinned
Livers
Lungs and heart
Melts
Plucks
Sweetbreads
Tongues
Tripe (scalded)

5. Section 23 is added to read as follows:

SEC. 23. *Office of Price Administration list of ceiling prices for kosher sausage—*
(a) *Retail ceiling prices for kosher sausage.*

FRANKFURTERS

[Price per pound]

Zones	I	II	III	IV	IV-A	V	VI	VII	VIII	IXn	IXs	X
sc.....	55	54	50	50	48	47	47	48	49	51	49	49
ac.....	50	49	46	46	44	43	43	44	44	47	45	45

BOLOGNA AND KNACKWURST

sc.....	48	46	43	43	41	40	40	41	42	44	42	42
ac.....	46	45	42	42	40	39	39	40	40	43	41	41

SALAMI

sc.....	50	50	48	48	47	46	46	46	47	50	47	48
ac.....												

(b) *Zones.* The zones for kosher sausage are the same as those for kosher beef, veal, lamb and mutton, except that zone 4-A includes the following areas:

*Copies may be obtained from the Office of Price Administration.

¹ 8 F.R. 6364, 6548, 6618, 7200, 7692, 11297.

Zone 4-A. All that portion of Wisconsin south and west of and including the counties of St. Croix, Dunn, Chippewa, Clark, Jackson, Monroe, Vernon, and Crawford.

All that portion of South Dakota south and east of and including the counties of Deuel, Codington, Clark, Spink, Faulk, Hand, Jerauld, Aurora and Charles Mix.

All that portion of Nebraska east of and including the counties of Boyd, Holt, Garfield, Valley, Sherman, Buffalo, Kearney and Franklin.

All that portion of Kansas east and north of and including the counties of Smith, Osborne, Russell, Lincoln, Ottawa, Clay, Geary, Wabaunsee, Shawnee, Douglas, and Johnson.

All that portion of Missouri west and north of and including the counties of Scotland, Knox, Shelby, Monroe, Audrain, Boone, Howard, Saline, Lafayette and Jackson.

Iowa except the counties of Dubuque, Jackson, Clinton, Scott, Muscatine, Louisa, Des Moines and Lee.

This amendment shall become effective September 20, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 13th day of September 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-15003; Filed, September 14, 1943; 10:51 a. m.]

suance of said designation and declaration, the number of removals of tenants from possession, by means of evictions, actions to evict, and notices to quit or vacate has sharply increased and threatens to increase further in Dade County, which constituted a portion of the Florida Defense-Rental Area. The purpose and effect of such removals of tenants from possession is to increase the rents of the housing accommodations involved. By an amendment to the designation and rent declaration issued by the Administrator on October 5, 1942, Dade County is being separated from the Florida Defense-Rental Area and named the Miami Defense-Rental Area. This amendment is being issued and effective at the same time as this regulation.

In the judgment of the Administrator the increased removals of tenants from possession in Dade County constitute speculative or manipulative practices or renting or leasing practices which are equivalent to or likely to result in rent increases inconsistent with the purposes of the Emergency Price Control Act of 1942.

Provision is made in this Eviction Regulation No. 2 for the freezing of rents as of September 1, 1943, for housing accommodations rented on that date and as of the first rent for housing accommodations not rented on September 1, 1943 but rented after that date. This Eviction Regulation No. 2 is a temporary one and will be replaced by a Rent Regulation to be issued by the Administrator for the Miami Defense-Rental Area. Appropriate adjustment provisions will be provided in the Rent Regulation to replace this Eviction Regulation No. 2.

In the judgment of the Administrator, the provisions of this Eviction Regulation No. 2 are necessary and proper to effectuate the purposes of the Emergency Price Control Act of 1942.

§ 1388.1191 *Eviction Regulation No. 2.* Eviction Regulation No. 2 for Housing in the Miami Defense-Rental Area is annexed hereto and made a part hereof.

AUTHORITY: § 1388.1191 issued under Pub. Laws 421 and 729, 77th Cong.

EVICTION REGULATION NO. 2—HOUSING IN THE
MIAMI DEFENSE-RENTAL AREA

CONTENTS

Sec.

1. Scope of regulation.
2. Prohibition against higher than maximum rents.
3. Maximum rents.
4. Removal of tenant.
5. Inspection.
6. Evasion.
7. Enforcement.
8. Procedure.
9. Petitions for amendment.
10. Definitions.

SECTION 1. *Scope of regulation—(a) Housing in the Miami Defense-Rental Area.* This regulation applies to all housing accommodations in the Miami Defense-Rental Area, consisting of the County of Dade in the State of Florida, except as provided in paragraph (b) of this section. The Miami Defense-Rental Area is referred to hereinafter in

this regulation as the "defense-rental area."

"September 1, 1943" is the date referred to in this regulation wherever the words "the maximum rent date" are used.

The words "the effective date of regulation" used in this regulation refer to the date this regulation becomes effective.

(b) *Housing to which this regulation does not apply.* This regulation does not apply to the following:

(1) *Farming tenants.* Housing accommodations situated on a farm and occupied by a tenant who is engaged for a substantial portion of his time in farming operations thereon.

(2) *Service employees.* Dwelling space occupied by domestic servants, caretakers, managers, or other employees to whom the space is provided as part of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the dwelling space is a part.

(3) *Rooms in hotels, rooming houses, etc.* Rooms or other housing accommodations within hotels or rooming houses.

(4) *Structures in which more than 25 rooms are rented or offered for rent.* Entire structures or premises wherein more than 25 rooms are rented or offered for rent by any lessee, sublessee or other tenant of such entire structure or premises: *Provided*, That this regulation does apply to entire structures or premises wherein 25 or less rooms are rented or offered for rent by any lessee, sublessee or other tenant of such entire structure or premises, whether or not used by the lessee, sublessee or other tenant as a hotel or rooming house: *And provided further*, That this regulation does apply to an underlying lease of any entire structure or premises which was entered into after the maximum rent date and prior to the effective date of regulation, while such lease remains in force with no power in the tenant to cancel or otherwise terminate the lease.

(5) *Rented to National Housing Agency.* Housing accommodations rented to the United States acting by the National Housing Agency: *Provided, however*, That this regulation does apply to a sublease or other subrenting of such accommodations or any part thereof.

(c) *Effect of this regulation on leases and other rental agreements.* The provisions of any lease or other rental agreement shall remain in force pursuant to the terms thereof, except insofar as those provisions are inconsistent with this regulation.

(d) *Waiver of benefit void.* An agreement by the tenant to waive the benefit of any provision of this regulation is void. A tenant shall not be entitled by reason of this regulation to refuse to pay or to recover any portion of any rents due or paid for use or occupancy prior to the effective date of regulation.

Sec. 2. *Prohibition against higher than maximum rents.* Regardless of any contract, agreement, lease, or other obligation heretofore or hereafter entered into, no person shall demand or

receive any rent for use or occupancy on and after the effective date of regulation for any housing accommodations within the Defense-Rental Area higher than the maximum rents provided by this regulation; and no person shall offer, solicit, attempt, or agree to do any of the foregoing. Lower rents than those provided by this regulation may be demanded or received.

SEC. 3. Maximum rents. Maximum rents shall be:

(a) *Rented on September 1, 1943.* For housing accommodations rented on September 1, 1943, the rent for such accommodations on that date.

(b) *Not rented on September 1, 1943.* For housing accommodations not rented on September 1, 1943, the first rent for such accommodations after September 1, 1943.

SEC. 4. Removal of tenant—(a) Restrictions on removal of tenant. So long as the tenant continues to pay the rent to which the landlord is entitled, no tenant shall be removed from any housing accommodations, by action to evict or to recover possession, by exclusion from possession, or otherwise, nor shall any person attempt such removal or exclusion from possession, notwithstanding that such tenant has no lease or that his lease or other rental agreement has expired or otherwise terminated, and regardless of any contract, lease, agreement or obligation heretofore or hereafter entered into which provides for entry of judgment upon the tenant's confession for breach of the covenants thereof or which otherwise provides contrary hereto, unless:

(1) *Tenant's refusal to renew lease.* The tenant, who had a written lease or other written rental agreement, has refused upon demand of the landlord to execute a written extension or renewal thereof for a further term of like duration but not in excess of one year but otherwise on the same terms and conditions as the previous lease or agreement, except insofar as such terms and conditions are inconsistent with this regulation; or

(2) *Tenant's refusal of access to landlord.* The tenant has unreasonably refused the landlord access to the housing accommodations for the purpose of inspection or of showing the accommodations to a prospective purchaser, mortgagee, or prospective mortgagee, or other person having a legitimate interest therein: *Provided, however,* That such refusal shall not be ground for removal or eviction if such inspection or showing of the accommodations is contrary to the provisions of the tenant's lease or other rental agreement; or

(3) *Violating obligation of tenancy or committing nuisance.* The tenant (i) has violated a substantial obligation of his tenancy, other than an obligation to pay rent, and has continued, or failed to cure, such violation after written notice by the landlord that the violation cease, or (ii) is committing or permitting a nuisance or is using or permitting a use of the housing accommodations for an immoral or illegal purpose; or

(4) *Subtenants on expiration of tenant's lease.* The tenant's lease or other

rental agreement has expired or otherwise terminated, and at the time of termination the occupants of the housing accommodations are subtenants or other persons who occupied under a rental agreement with the tenant, and no part of the accommodations is used by the tenant as his own dwelling; or

(5) *Demolition or alteration by landlord.* The landlord seeks in good faith to recover possession for the immediate purpose of demolishing the housing accommodations or of substantially altering or remodeling it in a manner which cannot practically be done with the tenant in occupancy and the plans for such alteration or remodeling have been approved by the proper authorities, if such approval is required by local law; or

(6) *Occupancy by landlord.* The landlord owned, or acquired an enforceable right to buy or the right to possession of, the housing accommodation prior to the effective date of regulation, and seeks in good faith to recover possession of such accommodations for immediate use and occupancy as a dwelling for himself. If a tenant has been removed or evicted under this paragraph (a) (6) from housing accommodations, the landlord shall file a written report on a form provided therefor before renting the accommodations or any part thereof during a period of six months after such removal or eviction.

(b) *Administrator's certificate—(1) Removals not inconsistent with Act or regulation.* No tenant shall be removed or evicted on grounds other than those stated above unless, on petition of the landlord, the Administrator certifies that the landlord may pursue his remedies in accordance with the requirements of the local law. The Administrator shall so certify if the landlord establishes that removals or evictions of the character proposed are not inconsistent with the purposes of the Act or this regulation and would not be likely to result in the circumvention or evasion thereof.

(2) *Occupancy by purchaser.* Removal or eviction of a tenant of the vendor, for occupancy by a purchaser who has acquired his rights in the housing accommodations on or after the effective date of regulation is inconsistent with the purposes of the Act and this regulation and would be likely to result in the circumvention or evasion thereof, unless (i) the payment or payments of principal made by the purchaser, excluding any payments made from funds borrowed for the purpose of making such principal payments, aggregate $33\frac{1}{3}\%$ or more of the purchase price, and (ii) a period of three months has elapsed after the issuance of a certificate by the Administrator as hereinafter provided. For the purposes of this paragraph (b) (2), the payments of principal may be made by the purchaser conditionally or in escrow to the end that they shall be returned to the purchaser in the event the Administrator denies a petition for a certificate. If the Administrator finds that the required payments of principal have been made, he shall, on petition of either the vendor or purchaser, issue a certificate

authorizing the vendor or purchaser to pursue his remedies for removal or evic-

tion of the tenant in accordance with the requirements of the local law at the expiration of three months after the date of issuance of such certificate.

In no other case shall the Administrator issue a certificate for occupancy by a purchaser who has acquired his rights in the housing accommodations on or after the effective date of regulation unless he finds (i) that the vendor has or had a substantial necessity requiring the sale and that a reasonable sale or disposition of the accommodations could not be made without removal or eviction of the tenant, or (ii) that other special hardship would result, or (iii) that equivalent accommodations are available for rent, into which the tenant can move without substantial hardship or loss; under such circumstances the payment by the purchaser of $33\frac{1}{3}\%$ of the purchase price shall not be a condition to the issuance of a certificate, and the certificate may authorize the vendor or purchaser, either immediately or at the expiration of three months, to pursue his remedies for removal or eviction of the tenant in accordance with the requirements of the local law.

(c) *Exceptions from section—(1) Subtenants.* The provisions of this section do not apply to a subtenant or other person who occupied under a rental agreement with the tenant, where removal or eviction of the subtenant or other such occupant is sought by the landlord of the tenant, unless under the local law there is a tenancy relationship between the landlord and the subtenant or other such occupant.

(2) *Housing subject to rent schedule of War or Navy Department.* The provisions of this section shall not apply to housing accommodations rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

(3) *One or two occupants in landlord's residence.* The provisions of this section shall not apply to an occupant of a furnished room or rooms not constituting an apartment, located within the residence occupied by the landlord or his immediate family, where such landlord rents to not more than two occupants within such residence.

(4) *Renting to family in landlord's residence.* The provision of this section shall not apply to a family which on or after August 1, 1943 moves into a furnished room or rooms not constituting an apartment, located within the residence occupied by the landlord or his immediate family, where such landlord does not rent to any persons within such residence other than those in the one family.

(d) *Notices required—(1) Notices prior to action to remove tenant.* Every notice to a tenant to vacate or surrender possession of housing accommodations shall state the ground under this section upon which the landlord relies for removal or eviction of the tenant. A written copy of such notice shall be given to the area rent office within 24 hours after the notice is given to the tenant.

No tenant shall be removed or evicted from housing accommodations by court

process or otherwise unless at least ten days (or, where the ground for removal or eviction is nonpayment of rent, the period required by the local law for notice prior to the commencement of an action for removal or eviction in such cases, but in no event less than three days) prior to the time specified for surrender of possession and to the commencement of any action for removal or eviction, the landlord has given written notices of the proposed removal or eviction to the tenant and to the area rent office, stating the ground under this section upon which such removal or eviction is sought and specifying the time when the tenant is required to surrender possession.

Where the ground for removal or eviction of a tenant is nonpayment of rent, every notice under this paragraph (d) (1) shall state the rent for the housing accommodations, the amount of rent due and the rental period or periods for which such rent is due. The provisions of this paragraph (d) (1) shall not apply where a certificate has been issued by the Administrator pursuant to the provisions of paragraph (b) of this section.

(2) *Notices at time of commencing action to remove tenant.* At the time of commencing any action to remove or evict a tenant, including an action based upon nonpayment of rent, the landlord shall give written notice thereof to the area rent office stating the title of the case, the number of the case where that is possible, the court in which it is filed, the name and address of the tenant, and the ground under this section on which removal or eviction is sought.

(e) *Local law.* No provision of this section shall be construed to authorize the removal of a tenant unless such removal is authorized under the local law.

SEC. 5. *Inspection.* Any person who rents or offers for rent or acts as a broker or agent for the rental of housing accommodations and any tenant shall permit such inspection of the accommodations by the Administrator as he may, from time to time, require.

SEC. 6. *Evasion.* The maximum rents and other requirements provided in this regulation shall not be evaded, either directly or indirectly, in connection with the renting or leasing or the transfer of a lease of housing accommodations, by way of absolute or conditional sale, sale with purchase money or other form of mortgage, or sale with option to repurchase, or by modification of the practices relating to payment of commissions or other charges or by modification of the services furnished with housing accommodations, or otherwise.

SEC. 7. *Enforcement.* Persons violating any provision of this regulation are subject to criminal penalties, civil enforcement actions and suits for treble damages as provided for by the Act.

SEC. 8. *Procedure.* All reports and notices provided for by this regulation shall be filed with the area rent office. All petitions shall be filed with such office in accordance with Revised Procedural Regulation No. 3 (§§ 1300.201 to 1300.253, inclusive).

SEC. 9. *Petitions for amendment.* Persons seeking any amendment of general applicability to any provisions of this regulation may file petitions therefor in accordance with Revised Procedural Regulation No. 3 (§§ 1300.201 to 1300.253, inclusive).

SEC. 10. *Definitions.* (a) When used in this regulation the term:

(1) "Act" means the Emergency Price Control Act of 1942.

(2) "Administrator" means the Price Administrator of the Office of Price Administration, or the Rent Director or such other person or persons as the Administrator may appoint or designate to carry out any of the duties delegated to him by the Act.

(3) "Rent Director" means the person designated by the Administrator as director of the Defense-Rental Area or such person or persons as may be designated to carry out any of the duties delegated to the Rent Director by the Administrator.

(4) "Area rent office" means the office of the Rent Director in the Defense-Rental Area.

(5) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(6) "Housing accommodations" means any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes, together with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy of such property.

(7) "Services" includes repairs, decorating and maintenance, the furnishing of light, heat, hot and cold water, telephone, elevator service, window shades, and storage, kitchen, bath, and laundry facilities and privileges, maid service, linen service, janitor service, the removal of refuse and any other privilege or facility connected with the use or occupancy of housing accommodations.

(8) "Landlord" includes an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any housing accommodations, or any agent of any of the foregoing.

(9) "Tenant" includes a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any housing accommodations.

(10) "Rent" means the consideration, including any bonus, benefit, or gratuity, demanded or received for the use or occupancy of housing accommodations or for the transfer of a lease of such accommodations.

(11) "Hotel" means any establishment generally recognized as such in its community, containing more than 50 rooms

and used predominantly for transient occupancy.

(12) "Rooming house" means, in addition to its customary usage, a building or portion of a building other than a hotel in which a furnished room or rooms not constituting an apartment are rented on a short-time basis of daily, weekly, or monthly occupancy to more than two paying tenants not members of the landlord's immediate family. The term includes boarding houses, dormitories, auto camps, trailers, residence clubs, tourist homes or cabins, and all other establishments of a similar nature.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used in this regulation.

Effective date. This regulation shall become effective September 15, 1943.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 13th day of September 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-14991; Filed, September 14, 1943; 10:00 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Amendment 10 to Designation and Rent Declaration 31¹]

FLORIDA

Item (6) listed in the table in § 1388-1341 of Designation and Rent Declaration No. 31 is amended and item (62) is added to the table in the said section to read as follows:

(6) Florida—Florida—That portion of the State of Florida not heretofore designated by the Price Administrator as part of any defense-rental area, except the counties of Columbia, Dade, Santa Rosa, and Wakulla.

(62) Miami—Florida—County of Dade.

This amendment shall become effective September 15, 1943.

(Pub. Laws 421 and 729, 77th Cong.)

Issued this 13th day of September 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-14993; Filed, September 14, 1943; 9:59 a. m.]

¹ 8 F.R. 122, 1229, 1749, 4779, 5738, 5739, 10739, 12099.

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[MPR 465]

USED PRESSURE VESSELS AND USED ENCLOSED ATMOSPHERIC PRESSURE VESSELS

In the judgment of the Price Administrator the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

Insofar as this regulation uses specifications and standards which were not, prior to such use, in general use in the trade or industry affected, or insofar as their use was not lawfully required by another Government agency, the Administrator has determined, with respect to such standardization, that no practicable alternative exists for securing effective price control with respect to the commodities subject to this regulation.

A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.*

§ 1390.251 *Maximum Prices for used pressure vessels and used enclosed atmospheric pressure vessels.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Maximum Price Regulation 465 (Used Pressure Vessels and Used Enclosed Atmospheric Pressure Vessels), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1390.251 issued under Pub. Laws 421 and 729, 77th Cong.; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION 465—USED PRESSURE VESSELS AND USED ENCLOSED ATMOSPHERIC PRESSURE VESSELS

ARTICLE I—SCOPE AND PROHIBITIONS OF THE REGULATION

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ARTICLE II—HOW MAXIMUM PRICES ARE FIXED

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11. Petitions for amendment.
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*Copies may be obtained from the Office of Price Administration.

14. Sales slips and receipts.
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16. Adjustable pricing.
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18. Enforcement.
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- Appendix A

Article I—Scope and prohibitions of the regulation

SECTION 1. What this regulation does. This regulation fixes maximum prices for all sales of used pressure vessels and used enclosed atmospheric pressure vessels, except those listed in section 2. Maximum prices for the sale of new pressure vessels and enclosed atmospheric pressure vessels are established by Maximum Price Regulation 136, as amended.¹ The term "pressure vessel" includes any cylindrical vessel made of black steel which is capable of holding any liquid or gas at a higher pressure than atmospheric pressure. The term "enclosed atmospheric pressure vessel" means any cylindrical vessel made of black steel which is capable of holding any liquid or gas at pressures not in excess of atmospheric pressure. The term "used" means any vessel that has previously been used. The vessels covered by this regulation will be referred to as "used vessels".

SECTION 2. Vessels to which this regulation does not apply. This regulation does not apply to the following vessels:

(a) Shop fabricated and field erected vessels.

(b) Field fabricated and field erected vessels.

(c) High pressure cylinders. A "high pressure cylinder" is one which has a water capacity of 1000 pounds or less and is used for storing liquids or gases at pressures up to 3000 pounds per square inch.

(d) Range boilers or expansion tanks. A "range boiler" or "expansion tank" is a vessel which has a capacity of 192 gallons or less and is made of metal 12 B. W. gauge or less.

(e) Domestic above ground fuel oil storage vessels.

(f) Pressure vessels or enclosed atmospheric pressure vessels lined with materials such as glass or vitreous enamel.

SECTION 3. Where this regulation applies. The provision of this regulation shall apply to the forty-eight states of the United States and to the District of Columbia.

SECTION 4. Relation to other regulations. (a) Except as otherwise provided in this regulation, the provisions of this regulation supersede the provisions of Maximum Price Regulation 136, as amended, and any other regulation issued by the Office of Price Administration, with respect to sales and deliveries for which maximum prices are established by this regulation.

(b) The maximum price at which a person may make any export sales or sales to exporters of any used vessel

covered by this regulation shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation² or any revisions thereto. When used in this paragraph the terms "export sales" and "exporters" have the meaning given to them by section 11 of the Second Revised Maximum Export Price Regulation.

SECTION 5. Prohibition against dealing in used vessels at prices above the maximum. (a) On and after September 27, 1943, regardless of any contract or other obligations:

(1) No person shall sell, trade, negotiate the sale of, or deliver any used vessel at a price higher than the maximum fixed by this regulation;

(2) No person in the course of trade or business shall buy, trade or receive any used vessel at a price higher than the maximum fixed by this regulation;

(3) No person shall agree, offer, solicit or attempt to do any of the foregoing.

(b) The provisions of paragraph (a) (2) shall not be applicable to:

(1) The United States or any agency thereof;

(2) The government, or any agency thereof, of any country whose defense the President deems vital to the defense of the United States under the terms of the Lend-Lease Act; or

(3) Any contracting officer of any of the foregoing, and, with respect to purchases made in his official capacity, any such contracting officer or any paying finance officer shall be relieved of any and every liability, civil or criminal, imposed by this regulation or by the Emergency Price Control Act of 1942, as amended.

SECTION 6. Less than maximum prices. Lower prices than those established by this regulation may be charged, demanded, paid or offered.

Article II—How maximum prices are fixed

Section 7. Maximum prices for used vessels of the sizes listed in Appendix A—

(a) **General instructions—**(1) *How to use Appendix A.* Specific maximum prices are established for used vessels of the sizes listed in Appendix A. Those maximum prices are listed in Appendix A. Appendix A is composed of separate pages, each listing vessels from and including a given outside diameter in feet, to and including a given outside diameter in feet. Column 1 indicates the length of the vessel in feet "from and including" a given length. Column 2 indicates the length of the vessel in feet "to and including" a given length. The maximum prices for "reconditioned and guaranteed" vessels are set forth in the column of the table with the heading "reconditioned and guaranteed." The conditions that a used vessel must meet in order to qualify as "reconditioned and guaranteed" are set forth in paragraph (b). The maximum prices for used vessels that cannot qualify as reconditioned and guaranteed are set forth in the

¹ 8 F.R. 4132, 5987, 7662, 9998.

column of the table with the heading "as is".

(2) *What the maximum prices listed in Appendix A include.* The maximum prices listed in Appendix A are for the vessel only, together with any fittings or accessories which are permanently attached thereto or are an integral part of the vessel. Those maximum prices do not include foundations, supports, separate valves, separate fittings or other appurtenances. However, those maximum prices do include special features which are a part of the vessel. These special features include bulkheads; special location, size or number of openings; special tests or specifications as required by the American Society of Mechanical Engineers, American Petroleum Institute, Underwriters Laboratory, etc.; special handling during manufacture, such as stress relieving and X-raying; and special head construction, such as concave or convex.

(b) *Special rules for "reconditioned and guaranteed" vessels—(1) What is meant by a "reconditioned and guaranteed" vessel.* A "reconditioned and guaranteed" vessel is one which has been reconditioned and guaranteed and which can meet the following conditions:

(i) The vessel must be thoroughly cleaned inside and outside by the use of hot alkali or its equivalent, live steam, sand blasting, shot blasting, or by any other machine applied or hand applied abrasive method.

(ii) The vessel must be as free from leakage as a new vessel.

(iii) Threads in all openings must be the equivalent of those in a new vessel. Stripped or crossed threaded openings must be remachined and rethreaded so that after rethreading the opening will be the equivalent of new. If remachining or rethreading is impractical, a new part such as a flange or a fitting must be used.

(iv) If the old gaskets are not the equivalent of new, new gaskets must be furnished for all openings in which gaskets are required.

(v) The vessel must be painted on the outside surfaces with at least one prime coat and one coat of oil paint, bituminous paint, or the equivalent.

(vi) If the vessel is sold by a person other than a governmental agency, the seller must certify to the buyer on the invoice that:

The vessel(s) described on this invoice has (have) been reconditioned in accordance with the requirements of Maximum Price Regulation 465 and is (are) guaranteed to give service equivalent to new vessel(s) for a period of sixty days after installing, or seventy-five days from date of shipment, whichever is the longer period.

(vii) If the vessel is sold by a governmental agency, such agency may substitute a certificate for the guaranty. This certificate must be to the effect that all worn or missing components which should be replaced or repaired for satisfactory operation, if any, have been replaced or repaired. The certificate shall be signed by a qualified person who is not in the business of selling used vessels.

(2) *Items which may be added to the maximum price.* The following items of expense may be added to the maximum prices listed in Appendix A for reconditioned and guaranteed vessels (to the extent that they are incurred by the seller):

(i) The actual amount of any tax upon the sale or delivery of the used vessel.

(ii) The actual cost of transportation of the used vessel from the point of shipment to the place where the purchaser requests that it be shipped. The point of shipment means the point at which the used vessel is loaded on a conveyance for transportation directly to the place where the purchaser requests that it be shipped.

(iii) The actual cost of installing the used vessel in the purchaser's plant. This item may be added only if the installation is done at the request of the purchaser.

(iv) Expense of packing and crating the used vessel.

These items may be added only if they are billed and invoiced separately. If they are not billed and invoiced separately, they may not be added. No other charges or expenses may be added. A partial list of the charges and expenses which may not be added is set forth in the next subparagraph (3).

(3) *Items which may not be added.* The following is a partial list of the charges and expenses which may not be added to the maximum prices listed in Appendix A for reconditioned and guaranteed vessels:

(i) Any commission or service charge paid to or for the account of the seller or buyer or any agent of the seller or buyer.

(ii) Expense of dismantling and loading the used vessel for shipment to the purchaser.

(c) *Special rules for used vessels that cannot qualify as reconditioned and guaranteed—(1) Items which may be added to the maximum price.* The following items of expense may be added to the maximum prices listed in Appendix A for used vessels that cannot qualify as reconditioned and guaranteed (to the extent that they are incurred by the seller):

(i) The actual amount of any tax on the sale or delivery of the used vessel.

(ii) The actual cost of transportation of the used vessel from the point of shipment to the place where the purchaser requests that it be shipped. The point of shipment means the point at which the used vessel is loaded on a conveyance for transportation directly to the place where the purchaser requests that it be shipped.

(iii) The actual cost of installing the used vessel in the purchaser's plant. This item may be added only if the installation is done at the request of the purchaser.

(iv) Expense of packing and crating the used vessel.

These items may be added only if they are billed and invoiced separately. If they are not billed and invoiced separately, they may not be added. No other

charges or expenses may be added. A partial list of the charges and expenses which may not be added is set forth in the next subparagraph (2).

(2) *Items which may not be added.* The following is a partial list of the charges and expenses which may not be added to the prices listed in Appendix A for used vessels that cannot qualify as reconditioned and guaranteed:

(i) Any commission or service charge paid to or for the account of the seller or buyer or agent of the seller or buyer.

(ii) Expense of dismantling and loading the used vessel for shipment to the purchaser.

(3) *Refund to buyer.* If the sale price plus the actual cost incurred by the purchaser for dismantling and loading the used vessel exceeds the price for the used vessel listed in Appendix A, the seller must make a refund to the purchaser. This refund shall be equal to the difference between the sale price plus the dismantling and loading costs actually incurred by the purchaser, and the price listed in Appendix A for the used vessel. This refund shall not exceed 10% of the maximum price established by this regulation.

SEC. 8. *Maximum prices for used vessels of sizes not listed in Appendix A—(a) Applicability of this section.* This section is applicable to used vessels of sizes not listed in Appendix A.

(b) *Maximum prices for reconditioned and guaranteed vessels—(1) Maximum prices.* This paragraph is applicable to "reconditioned and guaranteed" vessels as defined in paragraph (b) (1) of section 7. The seller shall determine the maximum price of a reconditioned and guaranteed vessel as follows: The seller shall first determine the new base price of the vessel under paragraph (d) below. The seller shall then determine whether 85% of the new base price or the price of the vessel determined in accordance with the "depreciation method", set forth in paragraph (e) below, is the higher. The seller shall then determine the maximum price by adding to the higher of these prices the following items of expense (to the extent that they are incurred by him):

(i) The actual amount of any tax upon the sale or delivery of the used vessel.

(ii) The actual cost of transportation of the used vessel from the point of shipment to the place where the purchaser requests that it be shipped. The point of shipment means the point at which the used vessel is loaded on a conveyance for transportation directly to the place where the purchaser requests that it be shipped.

(iii) The actual cost of installing the used vessel in the purchaser's plant. This item may be added only if the installation is done at the request of the purchaser.

(iv) Expense of packing and crating the used vessel.

These items may be added only if they are billed and invoiced separately. If they are not billed and invoiced sepa-

rately, they may not be added. No other charges or expenses may be added. A partial list of the charges and expenses which may not be added is set forth in the next subparagraph (2).

(2) *Items which may not be added.* The following is a partial list of the charges and expenses which may not be added in determining the maximum price under the preceding subparagraph (1):

(i) Any commission or service charge paid to or for the account of the seller or buyer or any agent of the seller or buyer.

(ii) Expense of dismantling and loading the used vessel for shipment to the purchaser.

(c) *Maximum prices for used vessels that are not reconditioned and guaranteed.* This paragraph is applicable to any used vessel covered by this section which is not reconditioned and guaranteed as defined in paragraph (b) (1) of section 7. The seller shall determine the maximum price of a used vessel covered by this paragraph as follows: The seller shall first determine the new base price of the vessel under the next paragraph (d). The seller shall then determine whether 55% of the new base price or the price of the vessel determined in accordance with the "depreciation method", set forth in paragraph (e) below, is the higher. The seller shall then add to the higher of these prices the following items of expense (to the extent that they are incurred by him):

(1) The actual amount of any tax on the sale or delivery of the used vessel.

(2) The actual cost of transportation of the used vessel from the point of shipment to the place where the purchaser requests that it be shipped. The point of shipment means the point at which the used vessel is loaded on a conveyance for transportation directly to the place where the purchaser requests that it be shipped.

(3) The actual cost of installing the used vessel in the purchaser's plant. This item may be added only if the installation is done at the request of the purchaser.

(4) Expense of packing and crating the used vessel.

These items may be added only if they are billed and invoiced separately. If they are not billed and invoiced separately, they may not be added. No other charges or expenses may be added. For example, neither any commission or service charge paid to or for the account of the seller or buyer or agent of the seller or buyer, nor the expense of dismantling and loading in the used vessel for shipment to the purchaser may be added. The resulting figure is the maximum price. However, if the sale price plus the actual cost incurred by the purchaser for dismantling and loading the used vessel exceeds the maximum price established by this paragraph, the seller must make a refund to the purchaser. This refund shall be an amount equal to the difference between the sale price plus the actual cost of dismantling and loading incurred by the purchaser, and the

maximum price established by this paragraph. However, this refund shall not exceed 10% of the maximum price established by this paragraph.

(d) *New base price.* The "new base price" which must be used in calculating maximum prices under this section shall be the first applicable of the following prices:

(1) The price for the vessel when new stated in the published price list of the manufacturer in effect at the time the used vessel is sold.

(2) The price for the vessel when new stated in the published price list of the manufacturer in effect on March 31, 1942.

(3) The most recent price at which the manufacturer contracted to sell the vessel when new after March 31, 1942.

(4) The first applicable of the prices set forth in (1) to (3), inclusive, for the nearest equivalent vessel.

If the first applicable of the above prices is a delivered price, the new base price shall be the price of the vessel delivered to the point where the used vessel is located at the time of purchase by the seller. If the first applicable of the above prices is an installed price, the new base price shall be the price of the vessel installed at the point of original installation. In all other cases, the new base price shall be the price of the vessel, f. o. b. the manufacturer's plant.

(e) *Depreciation method—(1) Prices.* Except as limited by subparagraph (2), the seller shall determine the price of a used vessel in accordance with the depreciation method as follows: The seller shall first determine the new base price of the vessel under the preceding paragraph (d). The seller shall then deduct from that price an amount determined by applying to the new base price a depreciation rate of 4% a year. Depreciation shall be determined by the use of the straight line method. The period of time from the date of acquisition by the original purchaser for use of the vessel when new to the date of sale shall be used to determine the amount of depreciation. In measuring that period of time, a fractional period of a month consisting of 16 days or more shall be regarded as a full month, and a fractional period of a month consisting of 15 days or less shall be disregarded.

(2) *Limit beyond which price for a used vessel which is not reconditioned and guaranteed may not go.* If the price determined under this paragraph for a used vessel, which is not reconditioned and guaranteed (as defined in paragraph (b) (1) of section 7), exceeds 80% of the new base price of the vessel, the seller shall use 80% of the new base price of the vessel as the price calculated under the depreciation method.

(3) *Signed statement to be given to purchaser.* The seller shall give the purchaser a signed statement before or at the time of the delivery of any used vessel priced under this paragraph. This statement shall include the name and address of the original purchaser of the

vessel when new and the date of acquisition of such vessel by such purchaser.

Sec. 9. *Maximum prices for sales of used vessels by Defense Plant Corporation—(a) Applicability of this section.* This section is applicable to sales of used vessels by Defense Plant Corporation. The maximum prices for such sales are to be determined in accordance with the provisions of this section, notwithstanding any other provisions of this regulation.

(b) *Where the purchaser is the first lessee of the vessel.* The maximum price for the sale of a used vessel by Defense Plant Corporation to the first lessee of the vessel under an agreement with Defense Plant Corporation shall be the sum of the following, less the deduction for depreciation required by paragraph (d):

(1) The cost of the vessel to the Defense Plant Corporation, f. o. b. the plant of the manufacturer of the vessel.

(2) The freight paid by Defense Plant Corporation for transportation of the vessel from the plant of the manufacturer of the vessel to the plant of the purchaser.

(3) The cost to Defense Plant Corporation of unloading the vessel at the plant of the purchaser.

(4) The cost to Defense Plant Corporation of the installation of the vessel in the plant of the purchaser.

(5) Interest on items (1) to (4), inclusive, at the rate actually charged the purchaser under the agreement of lease between Defense Plant Corporation and the purchaser. If no interest rate was specified in such agreement, the interest rate used shall be the average rate charged by Defense Plant Corporation to other lessees of comparable vessels. Interest shall be computed from the date that each of the items listed in (1) to (4), inclusive, was paid by Defense Plant Corporation to the date of sale.

(6) Direct expenses actually incurred by Defense Plant Corporation and normally charged the purchaser under the agreement of lease between Defense Plant Corporation and the purchaser. If no provision for direct expenses is specified in such agreement, there may be added direct expenses actually incurred by Defense Plant Corporation and normally charged by it to other lessees of comparable vessels.

(c) *Where the purchaser is a person other than the first lessee of the vessel.* The maximum price for the sale of a used vessel by Defense Plant Corporation to a person other than the first lessee under an agreement with Defense Plant Corporation, shall be the sum of the following, less the deduction for depreciation required by paragraph (d):

(1) The cost of the vessel to Defense Plant Corporation, f. o. b. the plant of the manufacturer of the vessel.

(2) The freight paid by Defense Plant Corporation for transportation of the vessel from the location of the vessel at the time of the purchase to the plant of the purchaser.

(3) Any tax upon the sale or delivery of the vessel paid by Defense Plant Cor-

poration. This tax may be added only if it is billed separately.

(d) *Depreciation.* No amount for depreciation need be deducted if the vessel is sold within ninety days after the date of its initial use after its acquisition by Defense Plant Corporation. In all other cases, depreciation on the original total cost of acquisition by Defense Plant Corporation shall be deducted. This depreciation shall be determined at the rate of 8% a year from the date of installation and initial use, after acquisition of the vessel by Defense Plant Corporation.

SEC. 10. *Maximum prices for sales of used vessels between corporations entitled to file affiliated returns under the Internal Revenue Code*—(a) *Applicability of this section.* This section is applicable to the sale of any used vessel which (1) is sold by one corporation to another corporation, both of which are members of an affiliated group as defined in section 141 of the Internal Revenue Code, and (2) is acquired by the purchasing corporation for the processing or fabricating of other commodities and not for resale in the same or in a fabricated form. The maximum prices for such sales are to be determined in accordance with the provisions of this section, notwithstanding any other provisions of this regulation.

(b) *Maximum prices.* The maximum price for the sale of a used vessel covered by this section shall be the selling corporation's book value of the vessel, less depreciation computed at the rate and in the manner used by the selling corporation in the preparation of its federal income tax return. However, if the price computed in this manner equals zero, the maximum price for the sale of the used vessel shall be the maximum price for the sale thereof as scrap.

(c) *Report.* Within ten days after any sale of a used vessel covered by this section, the selling corporation shall file a report with the Office of Price Administration, Washington, D. C. This report shall include the following:

- (1) A description of the vessel;
- (2) The name and address of the purchasing corporation;
- (3) The date of acquisition of the vessel by the selling corporation;
- (4) The selling price of the vessel;
- (5) A computation of the maximum price under paragraph (b) of this section; and

(6) A statement signed by a responsible officer of the purchasing corporation to the effect that the vessel has been acquired for the processing or fabricating of other commodities and not for resale in the same or in a fabricated form.

Article III—Miscellaneous

SEC. 11. *Petitions for amendment.* Any person seeking a modification of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.²

SEC. 12. *Records.* Every person subject to the provisions of this regulation is required to keep certain records for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, shall remain in effect. These records are described in two paragraphs as follows:

(a) *Records of sales.* Every seller shall keep complete and accurate records of each sale of a used vessel showing:

- (1) The name and address of the purchaser;
- (2) The date of sale;
- (3) The date of delivery;
- (4) The number of each kind of used vessel sold.

(5) An identification of each vessel sold. This identification shall include the name of the manufacturer, if available, and the diameter, length and thickness of shell and heads.

- (6) The net price received.

(7) Whether the sale was made on a reconditioned and guaranteed or an "as-is" basis.

(b) *Bases on which maximum prices established.* Every seller shall keep complete and accurate records showing the calculation of the maximum prices of used vessels sold by him which are not listed in Appendix A.

SEC. 13. *Reports of sales by auctioneers.* Every auctioneer shall file a notice of every public or private auction sale of used vessels at least ten days before the sale. This notice shall be filed with the District Office of the Office of Price Administration which is located in the same district in which the sale is to be held. The notice shall include: (a) The place, date and time of the sale; (b) a list of all used vessels to be offered at the sale; and (c) a copy of any announcement of the sale.

SEC. 14. *Sales slips and receipts.* Any person subject to this regulation who has regularly furnished purchasers with invoices, sales slips, receipts, or similar documents shall continue to do so. Every person subject to this regulation shall, regardless of previous custom, upon request of the purchaser, give such purchaser a signed invoice showing the date of the transaction; the date of delivery; identification of each vessel sold as to diameter, length and thickness of heads and shells; the number of vessels sold; and the price received for each. The invoice shall also clearly show whether each vessel is sold on a reconditioned and guaranteed basis or on an "as-is" basis. When the vessel is sold on a reconditioned and guaranteed basis, the invoice must contain the guaranty required by paragraph (b) of section 7.

SEC. 15. *Licensing: Applicability of Supplementary Order 20.*¹ The provisions of Supplementary Order 20 are applicable to every dealer selling (other than at retail) used vessels for which maximum prices are established by this regulation. When used in this para-

graph the term "dealer" has the meaning given to it by Supplementary Order 20.

SEC. 16. *Adjustable pricing.* Any person may sell used vessels at the maximum price permitted by this regulation, subject to an agreement with the buyer to charge a higher price if it becomes permissible at the date of delivery. Moreover, where (a) a request for a change in the applicable price is pending, (b) authorization is necessary to promote distribution or production, and (c) it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended, the Price Administrator may, upon application, grant the seller permission to adjust prices upon deliveries made during the pendency of the request in accordance with its disposition.

SEC. 17. *Evasion and prohibited practices*—(a) *In general.* No person shall evade any of the provisions of this regulation by any scheme or device, and no person shall indirectly charge or receive for used vessels a price higher than the maximum price permitted by this regulation.

(b) *Prohibited practices.* The following are among the specific practices prohibited:

(1) Requiring a person to purchase another used vessel or any other commodity or service as a condition of selling him a used vessel.

(2) Paying a purchase commission, if the sum of the commission and the purchase price exceeds the maximum price.

(3) Entering into a joint venture with any other person for cross-selling, cross-purchasing, cross-repairing, or cross-rebuilding.

(4) Granting less than a reasonable allowance for any commodity or anything of value, including real estate, received in trade.

(5) Reducing the period of any guaranty or warranty of performance that the seller had in effect on March 31, 1942, except as otherwise provided in this regulation.

(6) Requiring the purchaser to hire the seller to recondition vessels.

(7) Increasing carrying charges, financing charges or credit charges that the seller had in effect on March 31, 1942.

(8) Making any other changes in terms or conditions of sale that the seller had in effect on March 31, 1942.

SEC. 18. *Enforcement.* Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for revocation of licenses provided by the Emergency Price Control Act of 1942, as amended.

SEC. 19. *Definitions.* (a) When used in this regulation, the term:

(1) "Diameter" means the straight line distance measured along an axis which runs at right angles to the longitudinal axis and is measured to the outer surfaces of the vessel. Projections on the outside surface, such as flanges, fittings, etc., must not be considered in determining diameter.

¹ 7 F.R. 8961; 8 F.R. 3313, 3533, 6173, 11806.

² 7 F.R. 7490, 11007.

(2) "Length" means the straight line distance measured along the central longitudinal axis and is to be measured to the outer surfaces of the vessel. Projections on the outside surface, such as flanges, fittings, etc., must not be considered in determining length.

(3) "Person" includes an individual, corporation, partnership, association, or

any other organized group of persons or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(4) "Thickness" is the distance between two parallel surfaces of the mate-

rial in the vessel. Additional thickness, due to welding, riveting, flanges, fittings, etc., must not be taken into account in determining thickness.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used in this regulation.

APPENDIX A.—FROM AND NOT INCLUDING 3'-0", TO AND INCLUDING 4'-0" (DIAMETER)

Column 1	Column 2	$\frac{3}{16}$ " shell $\frac{3}{16}$ " heads	$\frac{3}{16}$ " shell $\frac{3}{16}$ " heads	$\frac{3}{4}$ " shell $\frac{3}{4}$ " heads	$\frac{3}{4}$ " shell $\frac{3}{16}$ " heads	$\frac{5}{16}$ " shell $\frac{5}{16}$ " heads	$\frac{5}{16}$ " shell $\frac{5}{16}$ " heads	$\frac{3}{8}$ " shell $\frac{3}{8}$ " heads	$\frac{3}{8}$ " shell $\frac{3}{8}$ " heads	$\frac{5}{8}$ " shell $\frac{5}{8}$ " heads	$\frac{5}{8}$ " shell $\frac{5}{8}$ " heads	$\frac{3}{4}$ " shell $\frac{3}{4}$ " heads	$\frac{3}{4}$ " shell $\frac{3}{4}$ " heads								
From and not including (length in feet)	To and including (length in feet)	Re-conditioned and guaranteed ¹	Re-conditioned and guaranteed ¹	Re-conditioned and guaranteed ¹	Re-conditioned and guaranteed ¹	Re-conditioned and guaranteed ¹	Re-conditioned and guaranteed ¹	Re-conditioned and guaranteed ¹	Re-conditioned and guaranteed ¹	Re-conditioned and guaranteed ¹	Re-conditioned and guaranteed ¹	Re-conditioned and guaranteed ¹	Re-conditioned and guaranteed ¹	Re-conditioned and guaranteed ¹							
4'-0"	4'-0"	\$77	\$50	\$81	\$52	\$94	\$61	\$98	\$63	\$105	\$68	\$109	\$70	\$115	\$74	\$122	\$79	\$133	\$86	\$150	\$97
6'-0"	6'-0"	96	62	100	65	109	70	112	73	119	77	123	80	129	84	136	88	147	95	174	113
8'-0"	8'-0"	113	73	117	76	122	79	127	82	142	92	146	95	152	98	159	103	170	110	195	126
10'-0"	10'-0"	130	84	134	87	145	94	150	97	165	107	169	109	177	114	184	119	195	126	219	142
12'-0"	12'-0"	147	95	151	98	162	105	167	108	182	118	186	120	193	125	200	129	211	136	235	152
14'-0"	14'-0"	164	106	168	109	186	120	191	124	206	133	210	136	216	140	223	144	234	151	258	167
16'-0"	16'-0"	181	117	185	120	209	135	214	139	227	147	231	150	237	153	244	158	255	165	280	181
18'-0"	18'-0"	198	128	202	131	229	148	234	151	248	161	252	163	260	168	267	173	278	180	302	196
20'-0"	20'-0"	215	139	219	142	249	161	254	164	269	174	276	179	282	183	289	187	300	194	325	210
22'-0"	22'-0"	232	150	236	153	268	173	273	177	287	186	295	191	301	195	308	199	319	206	343	222

APPENDIX A.—FROM AND NOT INCLUDING 4'-0", TO AND INCLUDING 5'-0" (DIAMETER)

Column 1	Column 2	$\frac{3}{16}$ " shell $\frac{3}{16}$ " heads	$\frac{3}{16}$ " shell $\frac{3}{16}$ " heads	$\frac{3}{4}$ " shell $\frac{3}{4}$ " heads	$\frac{3}{4}$ " shell $\frac{3}{16}$ " heads	$\frac{5}{16}$ " shell $\frac{5}{16}$ " heads	$\frac{5}{16}$ " shell $\frac{5}{16}$ " heads	$\frac{3}{8}$ " shell $\frac{3}{8}$ " heads	$\frac{3}{8}$ " shell $\frac{3}{8}$ " heads	$\frac{5}{8}$ " shell $\frac{5}{8}$ " heads	$\frac{5}{8}$ " shell $\frac{5}{8}$ " heads	$\frac{3}{4}$ " shell $\frac{3}{4}$ " heads	$\frac{3}{4}$ " shell $\frac{3}{4}$ " heads								
From and not including (length in feet)	To and including (length in feet)	Re-conditioned and guaranteed ¹	Re-conditioned and guaranteed ¹	Re-conditioned and guaranteed ¹	Re-conditioned and guaranteed ¹	Re-conditioned and guaranteed ¹	Re-conditioned and guaranteed ¹	Re-conditioned and guaranteed ¹	Re-conditioned and guaranteed ¹	Re-conditioned and guaranteed ¹	Re-conditioned and guaranteed ¹	Re-conditioned and guaranteed ¹	Re-conditioned and guaranteed ¹	Re-conditioned and guaranteed ¹							
6'-0"	6'-0"	\$107	\$69	\$111	\$72	\$114	\$74	\$119	\$77	\$125	\$81	\$129	\$84	\$153	\$99	\$162	\$105	\$177	\$114	\$207	\$134
8'-0"	8'-0"	126	81	130	84	136	88	141	91	147	95	151	98	175	113	184	119	199	129	229	148
10'-0"	10'-0"	145	94	150	97	158	102	163	106	172	111	176	114	197	128	207	134	221	143	251	162
12'-0"	12'-0"	163	106	169	109	179	116	185	120	192	124	201	130	223	144	232	150	247	160	276	179
14'-0"	14'-0"	182	118	188	122	201	130	207	134	216	140	225	146	247	156	257	166	272	176	302	195
16'-0"	16'-0"	201	130	208	135	224	145	230	149	241	156	251	162	273	177	282	183	298	193	327	212
18'-0"	18'-0"	219	142	230	149	249	161	255	165	272	176	281	182	298	193	307	199	323	209	353	228
20'-0"	20'-0"	238	154	248	161	280	181	286	185	303	196	312	202	327	212	337	218	349	226	378	245
22'-0"	22'-0"	257	166	267	173	310	201	316	205	333	216	343	222	357	231	366	237	378	245	408	264
24'-0"	24'-0"	276	179	286	185	341	221	347	224	364	235	373	241	387	250	396	256	408	264	438	283
26'-0"	26'-0"	295	191	306	198	371	240	377	244	394	255	404	261	417	270	427	276	439	284	460	296
28'-0"	28'-0"	323	209	333	216	402	260	408	264	424	274	434	281	447	289	456	295	468	303	498	322
30'-0"	30'-0"	357	231	370	289	433	280	439	284	454	294	463	300	477	309	486	315	498	322	528	342
32'-0"	32'-0"	391	253	404	261	463	300	469	304	485	314	494	320	506	327	515	333	528	342	558	361
34'-0"	34'-0"	425	275	438	283	493	319	500	323	515	333	524	339	537	348	547	354	558	361	587	380

APPENDIX A.—FROM AND NOT INCLUDING 5'-0", TO AND INCLUDING 6'-0" (DIAMETER)

Column 1	Column 2	$\frac{3}{16}$ " shell $\frac{3}{16}$ " heads	$\frac{3}{16}$ " shell $\frac{3}{16}$ " heads	$\frac{3}{4}$ " shell $\frac{3}{4}$ " heads	$\frac{3}{4}$ " shell $\frac{3}{16}$ " heads	$\frac{5}{16}$ " shell $\frac{5}{16}$ " heads	$\frac{5}{16}$ " shell $\frac{5}{16}$ " heads	$\frac{3}{8}$ " shell $\frac{3}{8}$ " heads	$\frac{3}{8}$ " shell $\frac{3}{8}$ " heads	$\frac{5}{8}$ " shell $\frac{5}{8}$ " heads	$\frac{5}{8}$ " shell $\frac{5}{8}$ " heads	$\frac{3}{4}$ " shell $\frac{3}{4}$ " heads	$\frac{3}{4}$ " shell $\frac{3}{4}$ " heads								
From and not including (length in feet)	To and including (length in feet)	Re-conditioned and guaranteed ¹	Re-conditioned and guaranteed ¹	Re-conditioned and guaranteed ¹	Re-conditioned and guaranteed ¹	Re-conditioned and guaranteed ¹	Re-conditioned and guaranteed ¹	Re-conditioned and guaranteed ¹	Re-conditioned and guaranteed ¹	Re-conditioned and guaranteed ¹	Re-conditioned and guaranteed ¹	Re-conditioned and guaranteed ¹	Re-conditioned and guaranteed ¹	Re-conditioned and guaranteed ¹							
8'-0"	8'-0"	\$157	\$102	\$174	\$113	\$190	\$123	\$196	\$127	\$203	\$131	\$215	\$139	\$236	\$153	\$249	\$161	\$268	\$173	\$306	\$198
10'-0"	10'-0"	179	116	196	127	220	142	227	147	242	157	254	164	276	179	289	187	309	200	347	224
12'-0"	12'-0"	208	135	225	146	250	162	262	169	282	183	294	190	317	205	330	213	349	226	388	251
14'-0"	14'-0"	239	155	255	165	280	181	292	189	321	208	333	216	357	231	370	239	389	252	428	277
16'-0"	16'-0"	278	180	293	190	309	200	321	208	351	227	381	246	393	254	416	269	428	277	448	290
18'-0"	18'-0"	320	207	329	213	337	219	351	227	381	246	393	254	416	269	428	277	448	290	506	322
20'-0"	20'-0"	358	232	366	237	376	243	388	251	411	265	422	273	445	288	458	296	478	309	536	342
22'-0"	22'-0"	369	239	386	250	403	261	415	268	439	284	451	292	473	306	486	315	506	327	574	371
24'-0"	24'-0"	381	246	393	254	425	275	437	283	479	310	490	317	510	330	523	338	542	351	599	388
26'-0"	26'-0"	396	256	408	264	452	293	464	300	518	335	530	343	549	355	562	364	581	376	629	407
28'-0"	28'-0"	411	266	422	273	479	310	491	318	558	361	570	369	591	382	604	391	615	398	659	426
30'-0"	30'-0"	426	276	438	283	506	327	518	335	597	386	609	394	629	407	642	415	661	428	697	451
32'-0"	32'-0"	441	285	453	293	532	344	544	352	636	411	648	419	672	435	684	443	704	455	740	479
34'-0"	34'-0"	456	295	468	303	558	361	570	369	6											

FEDERAL REGISTER, Wednesday, September 15, 1943

APPENDIX A.—FROM AND NOT INCLUDING 6'-0", TO AND INCLUDING 7'-0" (DIAMETER)

Column 1	Column 2	3/16" shell 3/16" heads		3/16" shell 3/16" heads		3/4" shell 3/4" heads		3/4" shell 3/4" heads		5/16" shell 5/16" heads		5/16" shell 5/16" heads		3/8" shell 3/8" heads		3/8" shell 3/8" heads		7/16" shell 7/16" heads		1/2" shell 1/2" heads	
From and not including (length in feet)	To and including (length in feet)	Re-conditioned and guaranteed ¹	As is																		
10'-0"	10'-0"	\$238	\$154	\$304	\$197	\$335	\$217	\$350	\$227	\$360	\$223	\$372	\$241	\$421	\$272	\$436	\$282	\$456	\$295	\$463	\$319
10'-0"	12'-0"	268	173	320	207	357	231	373	241	382	254	404	452	293	468	303	510	330	595	385	
12'-0"	14'-0"	298	193	338	219	379	345	394	265	413	267	425	275	473	306	489	316	561	363	680	440
14'-0"	16'-0"	327	212	356	230	401	260	417	270	434	281	446	289	495	320	510	330	615	398	731	473
16'-0"	18'-0"	357	231	374	242	423	274	439	284	451	292	463	300	516	334	531	344	680	440	709	517
18'-0"	20'-0"	375	243	392	254	445	288	461	298	507	328	519	340	555	359	740	479	867	561		
20'-0"	22'-0"	394	255	411	266	468	303	483	312	545	353	557	360	581	376	596	386	799	517	935	605
22'-0"	24'-0"	412	267	428	277	501	324	516	334	592	383	604	391	626	405	641	415	859	556	1,020	660
24'-0"	26'-0"	442	286	459	297	534	345	549	355	671	434	685	444	782	506	799	518	935	605	1,105	715
26'-0"	28'-0"	463	300	480	311	561	363	576	373	711	460	726	470	837	547	854	552	905	644	1,173	750
28'-0"	30'-0"	483	312	502	325	587	380	602	389	751	486	766	496	893	578	910	589	1,063	688	1,253	811
30'-0"	32'-0"	502	325	527	341	621	402	637	412	791	512	806	521	944	611	951	622	1,122	725	1,326	858
32'-0"	34'-0"	531	344	553	358	647	419	662	428	830	537	846	547	995	644	1,012	655	1,185	767	1,403	908
34'-0"	36'-0"	553	358	575	372	672	435	687	444	870	563	886	573	1,046	677	1,063	687	1,245	806	1,471	952
36'-0"	38'-0"	578	374	590	382	696	459	711	460	910	589	926	599	1,105	715	1,122	725	1,320	853	1,543	998
38'-0"	40'-0"	608	393	614	397	721	466	736	476	949	614	965	624	1,148	743	1,165	753	1,385	897	1,619	1,048

APPENDIX A.—FROM AND NOT INCLUDING 7'-0", TO AND INCLUDING 8'-0" (DIAMETER)

Column 1	Column 2	3/16" shell 3/16" heads		3/16" shell 3/16" heads		3/4" shell 3/4" heads		3/4" shell 3/4" heads		5/16" shell 5/16" heads		5/16" shell 5/16" heads		3/8" shell 3/8" heads		3/8" shell 3/8" heads		7/16" shell 7/16" heads		1/2" shell 1/2" heads	
From and not including (length in feet)	To and including (length in feet)	Re-conditioned and guaranteed ¹	As is																		
12'-0"	12'-0"	\$327	\$212	\$349	\$226	\$404	\$261	\$423	\$274	\$452	\$293	\$472	\$305	\$553	\$358	\$574	\$371	\$672	\$435	\$795	\$514
12'-0"	14'-0"	353	228	374	242	434	281	453	293	480	311	500	323	587	388	608	394	718	465	850	550
14'-0"	16'-0"	378	245	400	259	463	300	483	312	510	330	523	343	621	402	642	415	761	492	901	583
16'-0"	18'-0"	404	261	425	275	493	319	513	323	536	347	558	360	655	424	676	438	803	520	952	616
18'-0"	20'-0"	429	278	451	292	523	338	542	351	561	363	581	376	684	443	706	457	842	545	999	646
20'-0"	22'-0"	455	294	476	308	553	358	572	370	599	388	619	400	718	465	740	479	880	569	1,046	778
22'-0"	24'-0"	480	311	502	325	582	377	602	388	605	424	674	436	791	512	812	525	944	611	1,105	715
24'-0"	26'-0"	513	332	530	343	618	400	638	413	701	454	729	472	854	553	876	567	1,020	660	1,182	765
26'-0"	28'-0"	542	351	550	362	655	424	683	442	752	487	772	499	901	583	922	596	1,097	710	1,275	825
28'-0"	30'-0"	574	371	588	381	693	448	712	461	808	523	827	535	965	624	986	638	1,165	754	1,369	886
30'-0"	32'-0"	605	392	616	399	733	474	761	492	843	546	863	558	1,012	655	1,033	668	1,220	789	1,445	935
32'-0"	34'-0"	638	413	649	420	771	499	791	512	887	574	907	587	1,063	658	1,084	700	1,284	831	1,522	985
34'-0"	36'-0"	670	433	681	441	809	524	829	536	932	603	952	616	1,114	721	1,135	735	1,343	869	1,598	1,034
36'-0"	38'-0"	706	457	717	464	847	548	867	561	977	632	966	645	1,165	754	1,186	767	1,400	908	1,675	1,084
38'-0"	40'-0"	735	476	750	485	886	573	905	586	1,022	661	1,041	674	1,220	789	1,241	803	1,471	952	1,743	

APPENDIX A.—FROM AND NOT INCLUDING 8'-0", TO AND INCLUDING 9'-0" (DIAMETER)

Column 1	Column 2	3/16" shell 3/16" heads		3/16" shell 3/16" heads		3/4" shell 3/4" heads		3/4" shell 3/4" heads		5/16" shell 5/16" heads		5/16" shell 5/16" heads		3/8" shell 3/8" heads		3/8" shell 3/8" heads		7/16" shell 7/16" heads		1/2" shell 1/2" heads	
From and not including (length in feet)	To and including (length in feet)	Re-conditioned and guaranteed ¹	As is																		
12'-0"	12'-0"	\$344	\$223	\$366	\$237	\$411	\$266	\$431	\$279	\$472	\$305	\$496	\$321	\$582	\$377	\$608	\$394	\$714	\$462	\$842	\$545
12'-0"	14'-0"	376	243	398	257	452	293	473	306	517	334	541	350	621	402	646	418	761	492	897	580
14'-0"	16'-0"	408	264	428	277	494	320	514	333	568	367	592	388	655	424	684	442	803	520	948	613
16'-0"	18'-0"	440	285	459	297	536	347	557	360	619	400	643	416	693	448	723	467	850	550	1,003	649
18'-0"	20'-0"	474	307	489	316	581	376	602	389	670	433	694	449	735	476	761	493	898	578	1,058	685
20'-0"	22'-0"	508	329	527	341	626	405	647	419	721	466	745	482	782	506	808	522	961	1,131	1,322	
22'-0"	24'-0"	542	351	563	364	672	435	692	448	772	499	796	515								

APPENDIX A.—FROM AND NOT INCLUDING 9'-0", TO AND INCLUDING 10'-0" (DIAMETER)

Column 1	Column 2	3/16" shell 3/16" heads		1/4" shell 1/4" heads		3/4" shell 1/16" heads		5/16" shell 5/16" heads		5/16" shell 5/16" heads		3/8" shell 3/8" heads		3/8" shell 3/8" heads		7/16" shell 7/16" heads		1/2" shell 1/2" heads			
From and not including (length in feet)	To and including (length in feet)	Re-conditioned and guaranteed ¹	As is																		
16'-0"	16'-0"	\$463	\$300	\$504	\$326	\$597	\$386	\$621	\$402	\$670	\$433	\$694	\$449	\$735	\$476	\$763	\$493	\$893	\$578	\$1,054	\$682
16'-0"	18'-0"	562	325	542	351	635	411	660	427	723	468	747	483	799	517	826	535	965	624	1,139	737
18'-0"	20'-0"	540	349	581	376	673	436	698	452	775	502	800	518	850	550	877	569	1,029	666	1,216	787
20'-0"	22'-0"	578	374	619	400	720	466	745	482	828	536	853	552	901	583	928	601	1,088	704	1,292	830
22'-0"	24'-0"	616	399	657	425	767	496	791	512	881	570	905	586	956	619	983	636	1,152	745	1,369	886
24'-0"	26'-0"	655	424	695	450	814	527	839	543	932	603	959	620	1,012	655	1,039	673	1,218	787	1,437	930
26'-0"	28'-0"	693	448	734	475	860	557	885	573	988	639	1,012	655	1,071	693	1,098	711	1,284	831	1,513	979
28'-0"	30'-0"	731	473	772	499	908	587	932	603	1,040	673	1,065	690	1,122	726	1,149	735	1,343	869	1,585	1,026
30'-0"	32'-0"	769	498	810	524	955	618	980	630	1,093	707	1,118	723	1,182	765	1,209	782	1,411	913	1,666	1,078
32'-0"	34'-0"	808	523	848	549	1,003	649	1,028	665	1,146	741	1,170	757	1,241	803	1,268	821	1,479	957	1,743	1,128
34'-0"	36'-0"	846	547	887	574	1,047	678	1,085	702	1,200	777	1,223	791	1,301	842	1,326	858	1,530	990	1,785	1,155
36'-0"	38'-0"	899	578	952	616	1,173	759	1,210	783	1,253	811	1,276	826	1,360	880	1,386	897	1,573	1,018	1,828	1,183
38'-0"	40'-0"	952	616	1,007	652	1,224	792	1,261	816	1,306	845	1,329	860	1,420	919	1,445	935	1,615	1,045	1,870	1,210

APPENDIX A.—FROM AND NOT INCLUDING 10'-0", TO AND INCLUDING 10'-6" (DIAMETER)

Column 1	Column 2	3/16" shell 3/16" heads		1/4" shell 1/4" heads		3/4" shell 1/16" heads		5/16" shell 5/16" heads		5/16" shell 5/16" heads		3/8" shell 3/8" heads		3/8" shell 3/8" heads		7/16" shell 7/16" heads		1/2" shell 1/2" heads			
From and not including (length in feet)	To and including (length in feet)	Re-conditioned and guaranteed ¹	As is																		
16'-0"	16'-0"	\$493	\$319	\$527	\$341	\$605	\$392	\$646	\$418	\$698	\$452	\$734	\$475	\$786	\$500	\$813	\$526	\$901	\$583	\$965	\$624
18'-0"	20'-0"	536	347	582	377	646	418	687	444	774	501	809	524	862	561	904	579	961	622	1,039	666
20'-0"	22'-0"	570	369	612	396	689	446	729	472	820	531	856	554	927	600	954	617	1,020	660	1,097	710
22'-0"	24'-0"	604	391	642	415	740	479	780	505	871	564	907	587	978	633	1,005	650	1,080	699	1,156	748
24'-0"	26'-0"	633	410	680	440	795	514	836	541	922	597	956	619	1,029	666	1,056	683	1,135	734	1,216	787
26'-0"	28'-0"	676	437	723	468	850	550	891	576	973	630	1,009	653	1,080	699	1,107	716	1,190	770	1,275	825
28'-0"	30'-0"	718	465	769	498	901	583	942	609	1,037	671	1,073	694	1,148	743	1,175	760	1,258	814	1,347	872
30'-0"	32'-0"	757	490	808	523	944	611	984	637	1,088	704	1,124	727	1,207	781	1,234	799	1,322	855	1,420	919
32'-0"	34'-0"	775	514	846	547	986	638	1,027	664	1,139	737	1,175	760	1,258	814	1,285	832	1,377	891	1,475	954
34'-0"	36'-0"	833	539	884	572	1,037	671	1,078	697	1,190	770	1,226	793	1,313	850	1,340	867	1,437	920	1,539	996
36'-0"	38'-0"	871	564	927	600	1,080	699	1,120	725	1,241	803	1,277	826	1,369	886	1,396	903	1,492	965	1,598	1,034
38'-0"	40'-0"	909	588	661	622	1,135	734	1,176	761	1,305	844	1,340	867	1,432	927	1,459	944	1,556	980	1,624	1,078
40'-0"	42'-0"	947	613	1,003	640	1,177	762	1,218	788	1,356	877	1,391	900	1,488	963	1,515	980	1,624	1,051	1,734	1,122
42'-0"	44'-0"	964	643	1,046	677	1,220	789	1,261	816	1,407	910	1,442	933	1,543	998	1,570	1,016	1,683	1,089	1,802	1,166
44'-0"	46'-0"	1,032	668	1,088	704	1,262	817	1,303	843	1,458	943	1,493	966	1,590	1,029	1,617	1,046	1,743	1,128	1,870	1,210
46'-0"	48'-0"	1,070	693	1,131	732	1,318	853	1,358	879	1,500	971	1,536	994	1,641	1,062	1,666	1,078	1,794	1,161	1,934	1,251
48'-0"	1,109	718	1,173	759	1,386	897	1,426	923	1,551	1,004	1,587	1,027	1,683	1,089	1,710	1,107	1,836	1,188	1,985	1,284	

APPENDIX A.—FROM AND NOT INCLUDING 10'-6", TO AND INCLUDING 11'-0" (DIAMETER)

Column 1	Column 2	3/16" shell 3/16" heads		1/4" shell 1/4" heads		3/4" shell 1/16" heads		5/16" shell 5/16" heads		5/16" shell 5/16" heads		3/8" shell 3/8" heads		3/8" shell 3/8" heads		7/16" shell 7/16" heads		1/2" shell 1/2" heads			
From and not including (length in feet)	To and including (length in feet)	Re-conditioned and guaranteed ¹	As is	Re-conditioned and guaranteed ¹	As is	Re-conditioned and guaranteed ¹	As is	Re-conditioned and guaranteed ¹	As is	Re-conditioned and guaranteed ¹	As is	Re-conditioned and guaranteed ¹	As is	Re-conditioned and guaranteed ¹	As is	Re-conditioned and guaranteed ¹	As is	Re-conditioned and guaranteed ¹	As is		
16'-0"	16'-0"	\$502	\$325	\$565	\$366	\$659	\$426	\$706	\$457	\$746	\$483	\$785	\$508	\$842	\$545	\$871	\$564	\$935	\$605	\$1,012	\$655
18'-0"	20'-0"	546	353	608	373	710	459	757	490	806	521	845	547	897	580	918	594	986	638	1,063	688
20'-0"	22'-0"	591	382	650	421	761	492	808	523	865	560	904	585	961	622	982	635	1,046	677	1,122	726
22'-0"	24'-0"	639	414	693	448	812	525	859	556	925	598	964	624	1,033	668	1,063	688	1,122	726	1,299	776
24'-0"	26'-0"	680	440	735	476	863	558	910	589	984	637	1,023	662	1,097	710	1,118	723	1,199	776	1,275	825
26'-0"	28'-0"	727	470	778	503	914	591	952	616	1,044	675	1,083	701	1,160	751	1,190	770	1,275	825	1,347	872
28'-0"	30'-0"	765	488	816	528	965	624	1,033	649	1,103	714	1,142	739	1,224	792	1,254	811	1,347	872	1,420	919
30'-0"	32'-0"	808	523	863	558	1,016	657</td														

PART 1418—TERRITORIES AND POSSESSIONS

[Rev. MPR 183,¹ Amdt. 6]

BROOMS IN PUERTO RICO

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 51 is added to read as follows:

SEC. 51. *Maximum prices for brooms sold or delivered in the Territory of Puerto Rico*—(a) *Definitions*. When used in this Table 42 the term:

(1) "Broom corn" means the plant of the sorghum family used in the manufacture of brooms and brushes.

TABLE 42.—MAXIMUM PRICES FOR BROOMS MADE OF BROOM CORN

Quality No. of strings	At wholesale (per dozen)	At retail (per broom)
2.	\$0.60	\$0.60
3.	7.50	0.78
4.	8.75	0.91
5.	10.00	1.04
6.	10.85	1.13

This amendment shall become effective as of August 19, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 13th day of September 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-14995; Filed, September 14, 1943; 9:59 a. m.]

PART 1419—EXPLOSIVES

[Rev. MPR 191,² Amdt. 1]

COTTON LINTERS AND HULL FIBERS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation No. 191 is amended in the following respects:

1. Paragraph (a) (1) of Appendix A is amended by changing the figures for the maximum price of chemical cotton linters in the first sentence of the paragraph from \$.035 to \$.038.

2. Paragraph (a) (2) of Appendix A is amended by changing the figures for the maximum price of hull fibers in the first sentence of the paragraph from \$.0285 to \$.0309.

3. Paragraph (a) of Appendix B is amended by changing the figures for the

*Copies may be obtained from the Office of Price Administration.

¹ 8 F.R. 9532, 10763, 10906, 10937, 11437, 11847.

² 8 F.R. 11248.

maximum prices for the various grades and sub-grades of free cotton linters in the tabulation at the end of the paragraph to read as follows:

Grade	Cents per pound		
	High	Middle	Low
1.	8.75	8.20	7.75
2.	7.75	7.20	6.75
3.	6.75	6.20	5.75
4.	5.50	5.15	4.75
5.	4.50	4.00	3.75
6.	3.50	3.25	3.00
7.	2.85	2.60	2.45

4. Paragraphs (a) (1) and (a) (2) and paragraphs (b) (1) and (b) (3) of Appendix A are amended by adding the words, "for each one per cent." at the ends of the second and third sentences of said paragraphs.

5. Paragraph (b) of Appendix B is amended by adding an "s" to the word "linter" in the first sentence of the paragraph.

This amendment shall become effective September 13, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 13th day of September 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-15004; Filed, September 14, 1943; 10:48 a. m.]

PART 1429—POULTRY AND EGGS

[MPR 333,¹ Amdt. 13, Correction]

EGGS AND EGG PRODUCTS

Amendment 13 to Maximum Price Regulation 333 issued and made effective August 30, 1943, is corrected in the following respect:

1. The maximum prices in cents per dozen for shell eggs of consumer grades sold and delivered to a large retail route seller or to a large retailer at his warehouse stated in § 1429.67e to be .0075 cent less per dozen than provided in § 1429.67 is corrected to read .75 cent less per dozen than provided in § 1429.67.

This correction shall be effective as of August 30, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 13th day of September 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-14996; Filed, September 14, 1943; 9:58 a. m.]

¹ 8 F.R. 2488, 3002, 3070, 3735, 5342, 5839, 6182, 6476, 6626, 7457, 9027, 9300, 9879, 9300, 11381.

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 425,¹ Amdt. 1]

FRESH FRUITS, BERRIES AND VEGETABLES FOR PROCESSING

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 425 is amended in the following respects:

1. Section 3 is amended to read as follows:

SEC. 3. *List of maximum prices for fresh fruits sold for processing*. In sales to any processor, the seller's maximum prices for the following listed fresh fruits shall be (delivered to the customary receiving point):

Variety: Cents per lb.
Cherries, red sour (including Morello cherries) 8 1/2

"Customary receiving point" means the processing plant, or the receiving station or assembly point where the particular buyer maintained, during the calendar year 1942, facilities for grading, weighing, repacking and loading onto the buyer's conveyance.

If a seller makes sales f. o. b. his farm or country shipping point, but customarily, during the calendar year 1942, made sales delivered at the customary receiving point of the buyer, he shall reimburse the buyer for the actual cost of transportation from the farm or other shipping point to the customary receiving point of the buyer.

2. Section 4 is amended to read as follows:

SEC. 4. *List of maximum prices for fresh berries sold for processing*. In sales to any processor, the seller's maximum price for the following listed fresh berries shall be (delivered to the customary receiving point):

Variety: Cents per lb.
Red raspberries 15
Black raspberries 13
Youngberries 12
Boysenberries 12
Loganberries 12
Blackberries 12
Gooseberries 8
Blueberries, wild (grown and sold in the states of Maine, New Hampshire, Vermont and Massachusetts) 12

"Customary receiving point" means the processing plant, or the receiving station or assembly point where the particular buyer maintained, during the calendar year 1942, facilities for grading, weighing, repacking and loading onto the buyer's conveyance.

If a seller makes sales f. o. b. his farm or country shipping point, but customarily, during the calendar year 1942,

¹ 8 F.R. 9303, 9879.

made sales delivered at the customary receiving point of the buyer, he shall reimburse the buyer for the actual cost of transportation from the farm or other shipping point to the customary receiving point of the buyer.

This amendment shall become effective September 18, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 13th day of September 1943.

CHESTER BOWLES,
Acting Administrator.

Approved as to agricultural commodities: September 3, 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-15005; Filed, September 14, 1943; 10:52 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14¹ to GMPR, Amdt. 26]

LIGHT WEIGHT BOOK PAPERS, ETC.

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

A new section 6.22 is added to Article VI of Revised Supplementary Regulation No. 14 to read as follows:

SEC. 6.22 *Light weight book paper, writing paper and certain other fine papers sold by merchants to purchasers in Washington, Oregon, California, Nevada, Idaho, Arizona and Utah.* Merchants selling book paper, writing paper and certain other fine papers in lighter than standard weights to purchasers located in Washington, Oregon, California, Nevada, Idaho, Arizona and Utah may increase their maximum prices determined in accordance with the other provisions of the General Maximum Price Regulation to the following extent:

(a) *Writing paper and certain other fine papers.* The difference between the maximum prices for light weight papers and for standard weight papers specified in Maximum Price Regulation No. 450—Writing Paper and Certain Other Fine Papers—may be added.

(b) *Book paper.* The difference between the upcharge permitted in Maximum Price Regulation No. 451—Book Paper—for light weight papers covered by that regulation and the upcharge for such light weight papers used by the seller in computing his maximum prices under the other provisions of the General Maximum Price Regulation may be added.

Amendment 26 to Revised Supplementary Regulation No. 14 shall become effective September 20, 1943.

*Copies may be obtained from the Office of Price Administration.

¹ 8 F.R. 9880, 10432, 10566, 10433, 10668, 10731, 10759, 10763, 10939, 10674, 10984, 10758, 11174, 11182, 11247, 11215, 11479, 11572, 11754, 11873.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 13th day of September 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-15006; Filed, September 14, 1943; 10:50 a. m.]

PART 1499—COMMODITIES AND SERVICE

[MPR 165 as Amended,² Supp. Service Reg. 17]

REDUCTION IN QUALITY OF LAUNDRY, DRY CLEANING, OR LINEN SUPPLY SERVICES

The retail sales of laundry, linen supply, and dry cleaning services are essential functions which must be maintained during the war emergency. Some of the incidental services customarily offered in connection with the sales of such services are likewise essential in war time, while others can be dispensed with.

Certain governmental agencies such as the War Manpower Commission, are setting up standards, involving some curtailments and reductions in services, which laundries, dry cleaning, and linen supply establishments must adopt if they wish to be declared locally needed or essential. The observance of these standards will enable such establishments to achieve substantial economies, and to conserve materials, machinery, and manpower.

Questions have arisen and will arise as to whether the curtailment or discontinuance of certain elements or parts of a service customarily offered by these establishments is a violation of the Office of Price Administration's price regulations on the ground that they constitute indirect price increases. Certain changes cannot be made without a compensating reduction in the ceiling price. It is the purpose of this Supplementary Service Regulation to state what retail economies are permissible without a reduction in ceiling prices.

A statement of the reasons for issuing this Supplementary Service Regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.* Pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250² and 9328,³ Supplementary Service Regulation No. 17 is hereby issued.

§ 1499.667 *Reduction in the quality of laundry, dry cleaning, and linen supply services.* (a) Except as otherwise provided in this regulation other Supplementary Service Regulations, and orders issued under Maximum Price Regulation No. 165, no laundry, dry cleaning, or linen supply establishment shall, without a

¹ 7 F.R. 6428, 6966, 8239, 8431, 8793, 8943, 8948, 9197, 9342, 9343, 9785, 9971, 9972, 10480, 10619, 10718, 11010; 8 F.R. 1060, 3324, 4782, 5681, 5755, 5933, 8506, 8873, 10671, 10939, 11754, 12023.

² 7 F.R. 7871.

³ 8 F.R. 4681.

compensating reduction in its ceiling price, reduce the quality, or eliminate elements of any type of service supplied by the establishment in March, 1942, if the result of the reduction or elimination is to impair materially the utility of the service rendered to its customers.

(b) The appropriate District Office of the Office of Price Administration is authorized to determine, upon application by any laundry, dry cleaning, or linen supply establishment, what constitutes a material impairment of the utility of a service for the purposes of paragraph (a) of this section, and where such impairment exists, what constitutes a compensating reduction in the applicable ceiling price. The amount of the compensating reduction shall be that amount which the District Office determines to be necessary to bring the ceiling price of the reduced type of service into line with ceiling prices prevailing in the community for the same or the most similar service. District Offices may act under the authority of this paragraph upon individual or joint applications.

(c) District Offices are authorized to sub-delegate the authority conferred by this section to local War Price and Rationing Boards, or to ask such boards to act in advisory capacity.

§ 1499.668 *Permitted practices for power laundries—changes which do not require compensating reduction in ceiling prices—(a) Effect of this section.* Any one of the service establishments described in this Supplementary Service Regulation may, without reducing its ceiling price, curtail, change, or discontinue any incidental part of a service which is listed in paragraphs (b), (c), or (d) below. It may not, however, begin to charge for those parts of a service which it has customarily supplied without extra charge.

(b) *Permitted practices—Power laundries.* Parts or elements of a service which may be curtailed, changed or discontinued by a power laundry:

(1) Hand ironing or hand finishing of garments provided that mechanical facilities are available for such work.

(2) Retouching of flatwork.

(3) Retouching of wearing apparel by hand after pressing, except for the bare minimum required to make outer wearing apparel presentable.

(4) Ironing of all articles that have customarily been dry tumbled.

(5) Ironing of handkerchiefs in other than finished services.

(6) Touching up or ironing of the hems of blankets.

(7) Starching and sizing of wearing apparel in other than finished services.

(8) Starching or sizing of flatwork in any service.

(9) Providing more than one grade in the starching of wearing apparel and shirts.

(10) Use of shirt boards, shirt envelopes, cellophane wrappings, and tissue box linings.

(11) Fancy packaging of handkerchiefs, socks, and stiff collars.

(12) Sewing of buttons on underwear and pajamas.

(13) Rebinding of blankets except where such rebinding is necessary to preserve the blanket.

(14) Turning of French cuffs.

(15) Delivery more often than once in seven days to retail consumers except in case of damp wash.

(16) Use of curb attendants in connection with call office service.

(17) Folding of any portion of a damp or tumble-dried bundle, and of wearing apparel in other than finished laundry.

(18) Providing for any folding other than standard folding of finished flatwork.

(19) In order to economize on production expense, power laundries may impose a minimum charge of \$.50 for cash and carry customers and \$1.00 for delivery customers for the finished list price service. Bundle minimums in other services are governed by Maximum Price Regulation No. 165, or by applicable supplementary regulations and adjustment orders.

(c) *Permitted practices.*—*Dry cleaning establishments.* Parts or elements of a service which may be curtailed, changed, or discontinued by a dry cleaning establishment:

(1) Untacking and retacking of trouser cuffs.

(2) Pressing of garments under the pocket flaps.

(3) Separate pressing of linings except for articles wet cleaned.

(4) Hand ironing or hand finishing of any article provided that mechanical facilities are available for such work.

(5) Carding of blankets to remove knotted fuzz.

(6) Fancy packaging and the use of specialty boxes for decorative purposes.

(7) Special wrappings and the use of tissue paper on individual garments, except where such wrapping is necessary for the proper return of the garments such as knitted and boucle garments.

(d) *Permitted practices—Linen supply establishments.* Parts or elements of a service which may be curtailed, changed or discontinued by a linen supply establishment:

(1) The parts of a laundering service enumerated in (1), (2), and (3) of paragraph (b) above.

(2) Ironing of all articles that have been customarily dry tumbled except in the case where such ironing is necessary to finish garments necessary for sanitary protection, or to avoid industrial hazards.

(3) Starching or sizing of flatwork.

(4) Providing more than one grade in the starching of outer garments.

(5) All superfluous wrapping and packaging.

(6) Offering of other than a uniform simplified folding of all finished flatwork.

(7) Embroidering of individual names on linen supply items.

(8) Making of more than five simultaneous pick-ups and deliveries per week to any one account.

(e) No laundry, dry cleaning, or linen supply establishment which has curtailed a service in a manner authorized by this Supplementary Service Regulation may receive in payment for that service more than the established ceiling

price for giving an expedited service to any customer.

If as a result of the introduction of one or more of the economies authorized by this Supplementary Service Regulation, a curtailed service is substantially reduced in number of processes or in quality so that it in effect conforms to a lower priced service offered by the particular establishment, the maximum price of the changed service shall be the ceiling price of the lower quality service. For example, if a power laundry reduces the quality of its de luxe family finish laundry service in accordance with this Section of the Regulation so that it substantially conforms to the family finish laundry service, the ceiling price of the curtailed de luxe service shall be that of the family finish service.

§ 1499.669 *Definitions.* As used in this Supplementary Service Regulation, the term:

(1) "Custom," "customary," and "customarily," refer to any practice which a laundry, dry cleaning, or linen supply establishment had in connection with the sale of a service which it supplied in March 1942.

(2) "Service" means one of the types, forms, or grades of services offered for sale in March, 1942, or since, by a laundry, dry cleaning, or linen supply establishment, the description or price of which service was filed or was required to be filed by the establishment under Maximum Price Regulation No. 165 with the appropriate War Price and Rationing Board.

(3) "Appropriate District Office of the Office of Price Administration" means the office of the district in which the laundry, dry cleaning, or linen supply establishment is located.

Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 as amended, and § 1499.116 of Maximum Price Regulation No. 165 shall apply to the terms used herein.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued and effective this 13th day of September 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-14997; Filed, September 14, 1943; 9:57 a. m.]

PART 1499—COMMODITIES AND SERVICES

[MPR 211; Amdt. 6]

COTTON GINNING SERVICES, AND BAGGING AND TIES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 211 is amended in the following respects:

1. Section 1499.552 (a) (3) is amended by deleting the period at the end and by

adding at the end a semicolon and the word "or".

2. In § 1499.552 (a), subparagraphs (4) and (5) are added to read as follows:

(4) The applicable alternative maximum price, if any, established pursuant to § 1499.553;

(5) In Oklahoma, 30½ cents per hundredweight of seed cotton for ginning picked cotton, 33½ cents per hundredweight of seed cotton for ginning bollies or snapped cotton, for which prices the ginner shall render such other cotton ginning services (or services substantially similar thereto) as he sold or supplied to purchasers of the same general class during the base period.

3. Section 1499.553 is added to read as follows:

§ 1499.553 *Establishment of alternative ceilings for cotton ginning services.*

(a) Each Regional Administrator of the Office of Price Administration may, pursuant to this section, adjust the maximum prices established by this regulation for cotton ginning services rendered within his region. A Regional Administrator may delegate to the Director of a district the authority conferred upon him by this section insofar as it pertains to such district.

(b) Each Regional Administrator may designate ginning zones within his region. Any area designated as a ginning zone shall be co-extensive with an administrative district established by the Office of Price Administration as of September 10, 1943, unless the Regional Administrator finds that conditions affecting the operation of gins and the cost of ginning in such district are not substantially uniform and that within each of two or more areas (each comprising at least one county) within the district such conditions and costs are substantially uniform in which case he shall designate each of such areas as a ginning zone. In determining whether such conditions and costs are substantially uniform the Regional Administrator shall give due consideration to: the kind of cotton grown in the zone, the cotton-harvesting methods used in the zone, the wage rates of gin labor in the zone, and the kinds of ginning machinery with which gins in the zone are equipped.

(c) For any ginning zone which he has designated the Regional Administrator shall establish as an alternative ceiling the simple average (adjusted to the nearest half cent) of the ceiling prices as of September 1, 1943 of ginning establishments in the zone, with such differentials for the ginning of different types of cotton (i. e., picked, snapped, sledded) and such pricing methods (i. e., seed and lint cotton basis) as he shall find to be appropriate and equitable. Such average shall be determined by use of the maximum price reports filed by ginners with the Office of Price Administration in 1942 and, for this purpose, it shall be

*Copies may be obtained from the Office of Price Administration.

¹ 7 F.R. 6828, 7406, 7322, 7813, 8237, 8943, 8948, 8 F.R. 11249.

conclusively presumed that the ginning establishments by which reports were filed in 1942 constitute the ginning establishments in the zone. The Regional Administrator shall resolve in such manner as he may find to be fair and equitable any problems which arise in connection with determination of the average, including but not limited to problems arising from the necessity of reducing to a comparable basis rates or prices established on different bases (e. g., conversion of prices from a lint cotton basis to a seed cotton basis, or from a snapped cotton basis to a picked cotton basis).

(d) When an alternative ceiling has been established for any ginning zone, it may be charged by any ginner within the zone, but it shall not restrict such a ginner from charging less nor shall it prevent such a ginner from charging a higher price if he is so permitted by § 1499.552 (a).

This amendment shall become effective on the 18th day of September 1943.

(56 Stat. 23, 765 Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 13th day of September 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-15007; Filed, September 14, 1943; 10:49 a. m.]

ular Navy insofar as provided for the Women's Reserve. [Manual Circular Letter No. 20-43, Aug. 19, 1943]

(52 Stat. 1175, 54 Stat. 162, 55 Stat. 3, 56 Stat. 266, 730, 739; 34 U.S.C. 853, 854e, Supp. 855f, 855o, 857-857g, 853e, 855d)

FRANK KNOX,
Secretary of the Navy.

[F. R. Doc. 43-14998; Filed, September 14, 1943; 10:10 a. m.]

Notices

DEPARTMENT OF JUSTICE.

[Admiralty No. 683]

MRS. MAUDE WERNETH, ET VIR VS. UNITED STATES OF AMERICA

INSURANCE ON PERSONAL EFFECTS OF HUGH CLARENCE M'DEARMID

In the District Court of the United States for the Southern District of Texas, Houston Division.

Comes now Newton M. Crain, Jr., Assistant United States Attorney, as one of the Attorneys of Record in the above entitled case, and would respectfully show the Court that the above styled and numbered case is a suit against the United States for the insurance in the amount of One Hundred Fifty Dollars (\$150.00) upon the personal effects of one Hugh Clarence McDearmid who was a member of the crew of the Steamship "Jack Carnes" at the time of his death. Further, that the United States had admitted its liability "to the persons entitled thereto" in that amount, and in that connection would show the Court that the heirs, next of kin, assigns, legatees and creditors of the said Hugh Clarence McDearmid, whose names and addresses are to the United States, defendant herein, unknown, are necessary parties to this action for the reason that they have an interest in the proceeds of the said policy of insurance;

Wherefore, it is prayed that the Court issue an order directing that citation be issued for service by publication in the FEDERAL REGISTER in accordance with the provisions of Public Law 17 of the 78th Congress entitled "An Act To Amend and Clarify Certain Provisions of Law Relating to Functions of the War Shipping Administration and For Other Purposes" and that same be returnable on November 1, 1943.

NEWTON M. CRAIN, JR.,
Assistant United States Attorney.

Order

The foregoing application having been heard, *It is hereby ordered*, That citation be issued for service by publication in the FEDERAL REGISTER on the unknown heirs, assigns, devisees, legatees, and creditors of the said Hugh Clarence McDearmid, deceased, and all other interested parties, directing that they appear herein and file their claims and complaints setting out their interests to the proceeds of the said policy of insurance,

if any, on or before November 1, A. D. 1943.

Done at Houston, Texas, this 7th day of August, A. D. 1943.

T. M. KENNERLY,
United States District Judge.

ENDORSEMENTS: Admiralty No. 683, in the District Court of the United States for the Southern District of Texas, Houston Division. *Mrs. Maude Werneth, et vir vs. United States of America*. Application for citation by publication and order thereon. Filed 7th day of August, 1943.

HAL V. WATTS,
Clerk.

Citation by Publication

The President of the United States of America, to The Marshal of The Southern District of Texas, Greetings:

You are hereby commanded that by making publication of this citation in the FEDERAL REGISTER, according to law, previous to the return date hereof, you summons the unknown heirs, assigns, devisees, legatees and creditors of Hugh Clarence McDearmid, and all other interested parties who may own some claim to, or have some interest in, or lien against the insurance money for the loss of the personal effects of the said Hugh Clarence McDearmid described in the petition hereinbelow set forth, to be and appear in the United States District Court for the Southern District of Texas, Houston Division thereof, at the Courthouse thereof at the Federal Building in Houston, Texas, on November 1, A. D. 1943, the same being the 1st Monday in November, then and there to answer the answer and counterclaim for interpleader of the United States filed heretofore on July 17, A. D. 1943, which said answer and counterclaim for interpleader was in answer to the petition and libel filed in Admiralty No. 683 styled *Mrs. Maude Werneth, et vir vs. United States of America* in which Mrs. Maude Werneth set out her claim to the said insurance for the loss of the personal effects of the said Hugh Clarence McDearmid, which said answer and counterclaim for interpleader alleges substantially as follows:

Now comes the United States of America, the respondent in the above entitled and numbered cause, and in answer to the libel filed herein, would respectfully show the Court:

I. The United States of America admits that it issued through the War Shipping Administration, a crew life and Injury Policy covering the loss of life of the master, officers and crew of the American Steamship "Jack Carnes", which said policy was in effect at the time of death of Hugh Clarence McDearmid, who was a member of the crew of said vessel at the time of his death.

II. That pursuant to the terms and provisions of said policy, the United States of America paid to the designated beneficiary of said Hugh Clarence McDearmid, Mrs. Maude Werneth, the sum of Five Thousand Dollars (\$5,000.00) for which it was liable by reason of the death of the said Hugh Clarence McDearmid, and that further, the United States of America now admits that pursuant to the terms and provisions of said policy, it is further liable to the persons entitled thereto in an additional sum amounting to One Hundred Fifty Dollars (\$150.00) as and for the loss of the personal effects of the said Hugh Clarence McDearmid.

III. That the heirs, next of kin, assigns and legatees of the said Hugh Clarence McDearmid are necessary parties to this action for the reason that they have an interest in the proceeds of the policy of insurance here-

¹ 8 F.R. 9643, 10573, 11388.

tofore mentioned, covering the said personal effects.

IV. That the heirs, next of kin, assigns and legatees of the said Hugh Clarence McDarmid and their addresses, are to this defendant unknown, and for that reason, they cannot be specifically named herein.

Wherefore, the United States of America prays that the Court issue an order, directing that citation by publication in the *FEDERAL REGISTER* for the statutory period be had upon the said unknown heirs, assigns, devisees and legatees of the said Hugh Clarence McDarmid whose addresses are unknown, as is provided by the Act of March 24, 1943, and all other interested parties.

Further, the United States of America says that prior to the trial of this cause, it will deposit into the registry of this Court the \$150.00, which it admittedly owes to the person or persons entitled to same, that amount being the total liability of the United States of America as and for the loss of the personal effects of the said Hugh Clarence McDarmid, and respectfully prays the Court to determine to whom said amount of money, or any part thereof, should be rightfully paid, and that thereupon the United States of America be discharged from any and all further liability by reason of the death of the said Hugh Clarence McDarmid.

DOUGLAS W. McGREGOR,
United States Attorney.

NEWTON M. CRAIN, JR.,

Assistant United States Attorney.

Herein fail not, but have you before said Court on the first Monday of November, A. D. 1943, at 10 o'clock A. M. in the morning of said date this writ, with your return thereon, showing how you executed this writ.

Given under my hand and seal of office in the City of Houston, County of Harris, Texas, this 7th day of August, A. D. 1943.

[SEAL]

HAL V. WATTS,

Clerk,

United States District Court,
Southern District of Texas.

[F. R. Doc. 43-14978: Filed, September 13,
1943; 2:35 p. m.]

DEPARTMENT OF THE INTERIOR.

Coal Mines Administration.

[Order No. T-42]

A B AND H COAL ASSOCIATION, ET AL.

ORDER TERMINATING GOVERNMENT POSSESSION AND CONTROL AND APPOINTMENT OF OPERATING MANAGERS

SEPTEMBER 8, 1943.

On May 1, 1943, by virtue of the authority vested in me by the President of the United States, I signed Orders Nos. 1809 and 1810 (8 F.R. 5767), taking possession of anthracite and bituminous coal mines in which I found from the available information that a strike or stoppage had occurred or was threatened. The mines of the companies listed in Appendix A, attached hereto and made a part hereof, had, however, been abandoned prior to May 1 and were then not in operation. It is unnecessary to retain possession of such mines.

Accordingly, I order and direct that possession and control by the Government of the mines of the mining companies listed in Appendix A, attached

hereto and made a part hereof, including any and all real and personal property, franchises, rights, facilities, funds, and other assets used in connection with the operation of such mines and the distribution and sale of their products, and the appointment of the Operating Manager for the United States for the respective mines, be, and they are hereby, terminated and that there be conspicuously displayed at the mining properties copies of a poster to be supplied by the Coal Mines Administration and reading as follows:

NOTICE: Government possession and control of the coal mines of this mining company have been terminated by order of the Secretary of the Interior.

Provided, however, That nothing contained herein shall be deemed to preclude the Administrator from requiring the submission of information relating to the coal mines during the period of Government possession and control as provided in section 40 of the Regulations for the Operation of Coal Mines Under Government Control, as amended (8 F.R. 6655, 10712, 11344) for the purpose of ascertaining the existence and amount of any claims against the United States so that the administration of the provisions of Executive Order No. 9340 (8 F.R. 5695) may be concluded in an orderly manner.

HAROLD L. ICKES,
Secretary of the Interior.

APPENDIX A

Name of Mining Company and Address

A B & H Coal Association, St. Clair, Ill. Walter A. Barnett Mining & Construction Co., 730 Braddock Ave., Braddock, Pa. Beckley Fire Creek Coal Company, Charleston, W. Va. Begley & Darnell, RFD #1, Dungannon, Va. Berwindale Coal Company, Madera, Pa. Bessemer Limestone & Cement Company, 1100 City Bank Building, Youngstown, Ohio. Big Eagle Coal Company, Welch, W. Va. Blair Elkhorn Coal Company, Boldman, Ky. Blue Ridge Coal Company, Johnstown, Pa. Brown, J. R., 521 McNair Avenue, Wilkinsburg, Pa. Brown & Lawrence, Barnum, W. Va. Chaddwell Gap Coal Co., Inc., Ewing, Va. C & V Coal Company, 301 Main St., Blakely, Pa. Carbon Coal Company, Paris, Ark. Collieries Coal & Coke Company, 221 N. LaSalle Street, Chicago, Ill. Commercial Truck Mine, Twin Rocks, Pa. Congleton Coal Company, c/o Lee Congleton, 129 York Street, Lexington, Ky. Consumers Collieries Company, 829 Chestnut Street, Coshocton, Ohio. Carbon Coal Company, Canton, Ohio. Crescent Coal Company, c/o Abraham Hunter, RFD #1, Colfax, Iowa. Dallefeld, Walter, Ellsville, Ill. David O. Davis & Son, RFD #1, Scottdale, Pa. Deep Mine Coal Company, Chester, W. Va. Domestic Fuel Company, Stoneboro, Pa. Downey Brothers Coal Company, Greensboro, Pa. Eagle Mines, Inc., The, c/o G. R. Mullins, Box 1269, Logan, W. Va. Eagle Coal & Dock Co., c/o W. H. Soper, P. O. Box 1513, Charleston, W. Va. Ealy Coal Company, Mrs. E. T. Ealy, 11 Tenth Street, Barnesboro, Pa. Edgemont Fuel Company, c/o Richard D. Davis, Professional Arts Building, Ashland, Ky. Elkhorn Junior Coal Company, Millstone, Ky. Engine Coal Company, Inc., Pineville, Ky. Excelsior Springs Coal Company, 219 Spring Street, Excelsior Springs, Mo. Fairpoint Construction Company, Cadiz, Ohio. Fear Mining Company, Maudsville, W. Va. Ferncliff Coal Corporation, c/o South Hill Coal Company, Empire Building, Kittanning, Pa. Fidelity Supply Company, 508-9 Plaza Bldg., Pittsburgh, Pa. Frederick Coal Mining Company, The, RD No. 2, Chicora, Pa. Friel Coal Mining Company, Rear 1022 School Street, Indiana, Pa. G. C. M. Coal Company, 354 Elizabeth Street, Uniontown, Pa. Good Coal Company, The, Lisle, Ky. Graham, H. C., Coeburn, Va. Grandl, George, P. O. Box 31, Dunlevy, Pa. Greenville Coal Company, Greenville, Ky. Halstead Coal Company (W. S. Stewart), Hima, Ky. Harlan and Nicholson Coal Company, Uniontown, Pa. Hays, J. A., 754 Willow Drive, Duquesne, Pa. Henry Coal Company, Fairmont, W. Va. Hickman-Miller Coal Company, Fairmont, W. Va. Highway Coal Company, Strasburg, Ohio. Hinton & McKenney Coal Company, Browder, Ky. Holben, B. C., RD #2, Chicora, Pa. Horseshoe Coal Company, Karthaus, Pa. Iles, Harry J., 520 N. Mulberry St., Logan, Ohio. Independent Coal Company No. 2, RFD #1, Box 225, Ekokosha, Okla. Jennings & Porter Coal Company, RFD #2, Lake Lynn, Pa. Kahle, R. H., R. D. #1, Clarion, Pa. Kansas Fuel Company, Burlingame, Kans. Kepple, A. Seanor, Box 24, New Alexandria, Pa. Klenes, Mike, RD #4, Box 9, Uniontown, Pa. Humphreys Coal & Coke Company, P. O. Box 52, Greensburg, Pa. Keys Coal Company, DuBois, Pa. Keystone Coal Company, 30 S. W. Third Street, Linton, Ind. Lasher Coal Company, DuBois, Pa. Legato Coal Company, Iaeger, W. Va. Lick Creek Coal Company, Somerset, Ky. Lincoln Coal & Coke Company, Scottdale, Pa. Lincoln City Coal Co., Inc., 610 Tribune Building, Terre Haute, Ind. McAndrew Coal Company, Simpson, Pa. McCall Coal Company, Christian, W. Va. Marolt, Frank V., RFD #2, Box 16, Smithfield, Pa. Macon Mulkey Coal Company, Rutherford & Groggin Streets, Macon, Mo. Marra Coal Company, RFD, Dysart, Pa. Mt. Carmel Coal Company, 903 Brooks Building, Wilkes-Barre, Pa. Miners Fuel Company, The, Osage City, Kans. Mixey, Charles, Fallentimber, Pa. Moscrip Poole & Smith, Adena, Ohio. Mutual Coal Company, RFD #1, Box 16, McClellandtown, Pa. New Bell Heat Coal and Mining Company, 4504 West Main Street, Belleville, Ill. New York and Pennsylvania Company, Inc., New York, N. Y. Old Furnace Coal Company, Box C, Wampum, Pa. Otley Coal Company, Otley, Iowa. P. & O. Construction Company, Sharon, Pa. Paramount Fuels Inc., Freeburg, Ill. Parshall & Crow Coke Company, Uniontown, Pa. Patriarch Coal Company, Clark-Keating Bldg., Cumberland, Md. Peytona Coal Company, Inc., c/o J. T. Brock, Peytona, W. Va. Piko Mining Company, Inc., 610 Tribune Bldg., Terre Haute, Ind. Pocahontas Red Bird Mining Company, Iaeger, W. Va. Poluzzi, Joseph, 535 Main Street, Vandling, Pa. Poole Mining Company, 119 Morey Place, Greensburg, Pa. Prosperity Coal Company, Williamson County, Ill. Provance, E. B., c/o J. R. Smiley, 52 East Main Street, Uniontown, Pa. Ranshaw Coal Company, Ranshaw, Pa. Red Valley Coal Company, c/o J. L. Herron, Nashville, Tenn. Reed-Rudolph, Kittanning, Pa. Rothey Brothers, Inc., c/o Burnett W. Rothey, Box 157, Elizabeth, Pa. Royal Mining Company, c/o E. J. Davis, Offutt, Ky. Saginaw Mining Company, Saginaw, Mich. St. Charles Chesaning Coal Company, St. Charles, Mich. San Bois Coal Company, 20½ S. Sixth St., Fort Smith, Ark. Sanders & Ratliff, Ashcamp, Ky. Sherry, D. F. (K & S Coal Company), P. O. Box 24, Clearfield, Pa. Shirley Gas Coal Corporation, 1st National Bank Building, Zelienople, Pa. Simpson, W. H., Pottstown, Illinois. Sincell Coal Corporation, 528 N. New St., Bethlehem, Pa. Fort Smith-Bonanza Coal Company, 301 S. 10th St., Ft. Smith, Ark. South Fayette Coal Company, 627 Oliver Building, Pittsburgh, Pa. Spring Hill Coal Company, Jermyn, Pa. Straitsville Coal Company, New Straitsville, Ohio. Suffolk Coal Company, Scranton, Pa. Sullivan Coal Company, RFD #3, Ottumwa, Iowa. Sumpter Coal Company, 310 Main St., Pella, Iowa. Terminal Coal & Coke Company,

129 Fancourt Street, Pittsburgh, Pa. Three Counties Coal Corporation, P. O. Box DD, Augusta, Ill. Thurmond Smokeless Coal Company, 145 North High Street, Columbus, Ohio. Troy Coal Company, 119 High Street, Crooksville, Ohio. Walker, L. M., Dayton, Pa. Walsh, Walter J., Box 616, Imperial, Pa. West End Coal Company, Clay City, Ind. Yoland Coal Company, P. O. Box 96, Monongah, W. Va. Central Excavating Company, 1601 Pennsylvania Avenue, Scranton, Pa. Flower Hill Coal Company, Inc., 21 West Street, New York, N. Y. Imperial Coal Company, Corder, Mo. Paramount Coal Co., Inc. (Sebastian Giannie), 729 North Main Street, Archbald, Pa. Dwight Baker, R. F. D., Commodore, Pa. Glen Mary Coal Company, % A. G. Greenup, Wartburg, Tenn. Guernsey Coal Company, 31 St. James Ave., Boston, Mass. Merrimac Coal Company, 337 S. High St., Columbus, Ohio. Smith, Arthur, Barton, Md. Vermillion, C. C. Jellico, Tenn. J. H. Wolford Coal Company, RFD #1, Boyers, Pa. Carol Coal Company, P. O. Box 244, Ashland, Ky. Vibbard Mining Company, 407 Finance Building, Kansas City, Mo. Rayville Coal Company, % E. A. Johnson, P. O. Box 50, Rayville, Mo. King Coal & Coke Company, Brennen Building, Scottdale, Pa. New Horse Creek Coal Company, Manchester, Ky.

[F. R. Doc. 43-14845; Filed, September 11, 1943; 9:53 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4725), and the determination and order or regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724), as amended by Administrative Order March 13, 1943 (8 F.R. 3079), and Administrative Order, July 7, 1943 (8 F.R. 7890).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order September 20 (5 F.R. 3748), and as further amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3828).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982), as amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these certificates is limited to the terms and conditions therein contained and to the provisions of the applicable determination and order or regulations cited above. The applicable determination and order or regulations, and the effective and expiration dates of the certificates issued to each employer is listed below. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates, may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATION, EXPIRATION DATE

Single Pants, Shirts, and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry

Glaser Brothers, Incorporated, Eldon, Missouri; Civilian trousers & coats; 10 percent (T); effective September 13, 1943, expiring September 12, 1944.

Well-Kalter Manufacturing Company, 4th and Cherry Streets, Troy, Missouri; Woven underwear; 10 percent (T); effective September 8, 1943, expiring September 7, 1944.

Glove Industry

M. M. Smith and Son, Incorporated, 66 Sherman Street, Galetton, Pennsylvania; Leather dress gloves, work gloves; 5 learners (T); effective September 11, 1943, expiring September 11, 1944.

Hosiery Industry

Fort Payne Hosiery Mills, Incorporated, Fort Payne, Alabama; Seamless hosiery; 5 learners (T); effective September 9, 1943, expiring September 8, 1944.

Juniper Hosiery Mills, N. W. Corner Juniper and Cherry Streets, Philadelphia, Pennsylvania; Full-fashioned hosiery; 6 learners (A.T.); effective September 8, 1943, expiring September 7, 1944.

Troxler Hosiery Mending Company, 908 Highland Avenue, Greensboro, North Carolina; Repairing full-fashioned hosiery; 5 learners (T); effective August 25, 1943, expiring August 24, 1944.

Textile Industry

Cleveland Silk Mills, Incorporated, 38th Street, Cleveland, Tennessee; Rayon; 20 learners (A.T.); effective September 10, 1943, expiring March 9, 1944. (This certificate replaces the one previously issued, effective October 12, 1942 and expiring October 12, 1943.)

Cigar Industry

General Cigar Company, 205 Court Street, Evansville, Indiana; Hand made cigars; 10 percent (T); Hand cigar making for a learning period of 960 hours; Cigar packing for a learning period of 320 hours and machine stripping for a learning period of 160 hours at 75% of the applicable minimum wage; effective September 9, 1943, expiring September 8, 1944. (This certificate replaces the one previously issued, effective November 16, 1942 and expiring November 15, 1943.)

General Cigar Company, 17 S. Grant Street, Shenandoah, Pennsylvania; Hand made cigars; 10 percent (T); Hand cigar making for a learning period of 960 hours; Cigar packing for a learning period of 320 hours at 75% of the applicable minimum wage; effective September 8, 1943, expiring September 7, 1944.

General Cigar Company, 5th and Hickory Streets, Mt. Carmel, Pennsylvania; Hand made cigars; 10 percent (T); Hand cigar making for a learning period of 960 hours at 75% of the applicable minimum wage; effective September 7, 1943, expiring September 6, 1944.

Wolf Brothers and Company, 25 Pine Street, Red Lion, Pennsylvania; 5c cigars machine made; ten percent (T); Cigar machine operating for a learning period of 320 hours; stripping machine operating for a learning period of 160 hours at 75% of the applicable minimum wage; effective September 21, 1943, expiring September 20, 1944.

Signed at New York, N. Y., this 11th day of September 1943.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 43-14983; Filed, September 14, 1943; 9:23 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and part 522.5 (b) of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective as of the dates specified in each listed item below.

The employment of learners under these certificates is limited to the terms and conditions as designated opposite the employer's name. These certificates are issued upon the employer's representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided for in the regulations and as indicated on the certificates. Any person aggrieved by the issuance of the certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATION, EXPIRATION DATE

The Huse Publishing Company, 116 North 4th Street, Norfolk, Nebraska; Printing and Publishing; 6 learners (T); Linotype operator, hand compositor, makeup man, proofreader, pressman, bindery worker for a learning period of 480 hours; Linotype operator, hand compositor, makeup man, proofreader,

FEDERAL REGISTER, Wednesday, September 15, 1943

pressman at the rate of 30 cents per hour; bindery worker at the rate of 30 cents per hour for the first 320 hours and 35 cents for the next 160 hours; effective August 30, 1943, expiring February 28, 1944.

Signed at New York, N. Y., this 11th day of September 1943.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 43-14984; Filed, September 14, 1943; 9:23 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 857]

INVESTIGATION OF LOCAL-FEEDER-PICKUP
AIR SERVICES

NOTICE OF HEARING

In the matter of the investigation of local, feeder, and pickup air services.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 and 1002 of said Act, that hearings in the above-entitled proceeding are assigned to be held on September 28, 1943, at 10:00 a. m. (e. w. t.), in Conference Room B, Departmental Auditorium, Constitution Avenue between 12th and 14th Streets NW., Washington, D. C., before Examiners William J. Madden and Albert J. Beitel.

Dated at Washington, D. C., September 9, 1943.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 43-14999; Filed, September 14, 1943; 10:35 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4854]

EMERSON DRUG COMPANY

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 13th day of September, A. D. 1943.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Arthur F. Thomas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, September 20, 1943, at ten o'clock in the forenoon of that day C. S. T. in Federal Court Room, Post Office Building, Tuscaloosa, Alabama.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-15009; Filed, September 14, 1943; 11:34 a. m.]

OFFICE OF PRICE ADMINISTRATION.

LIST OF INDIVIDUAL ORDERS GRANTING
ADJUSTMENTS, ETC. UNDER PRICE REGU-
LATIONS

The following orders were filed with the Division of the Federal Register on September 11, 1943.

Order Number and Name

GMPR, § 1499.19a, Order 3, Lincoln Brass Works, Inc. Supp. Order 9, Order 13, Nylen Products Co. MPR 114, Order 5, Brown Co. et al. RMFR 125, Order 48, H. G. Shook Co. MPR 188, Revised Order 172, Otarion, Incorp. MPR 225, Order 14, Ryan Art Co. MPR 225, Order 15, Buckley, Dément & Co.

Copies of these orders may be obtained from the Office of Price Administration.

ERVIN H. POLLACK,

Head, Editorial and Reference Section

[F. R. Doc. 43-15008; Filed, September 14, 1943; 10:48 a. m.]

Regional, State and District Office
Orders.

[Region I Order G-1 Under 2 (b) of MPR 426]

LETTUCE IN NEW ENGLAND

Order No. G-1 under section 2 (b) of Maximum Price Regulation No. 426. Fresh fruits and vegetables for table use—Lettuce.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by section 2 (b) of Maximum Price Regulation No. 426, *It is hereby ordered*:

(a) Certain maximum prices established for carlot and trucklot sales and for less than carlot and less than trucklot sales of lettuce by section 15, Appendix A, of Maximum Price Regulation No. 426 are modified as follows:

Col. 1	Col. 2	Col. 3	Col. 4	Col. 5	Col. 6	Col. 7	Col. 8
Item No.	Type, variety, style of pack, etc.	Unit	Season	Basing point	Maximum prices for carlot or trucklot sales at any wholesale receiving point (as at present established by MPR 426)	Maximum prices for less than carlot or trucklot sales by a "first receiver"	Maximum prices for less than carlot or trucklot sales by a "secondary wholesaler"
1	Iceberg lettuce in L. A. crates containing 4 to 6 dozen heads with a minimum net weight of 60 lbs.	L. A. crate	All year	Salinas, Calif.	\$4.00 per crate	\$5.19 per crate	\$5.59 per crate
2	All lettuce in any container, except iceberg lettuce in L. A. crate (Item 1 above) and except hothouse lettuce (Item 2 below).	Per pound	All year		7.8 cents per pound	8.65 cents per pound	9.3 cents per pound
3	Hothouse lettuce in any container.	Per pound	All year		15.8 cents per pound	16.65 cents per pound	17.3 cents per pound

If a grower makes a sale to an ultimate consumer, his maximum price for such sale shall be the ceiling price established under Col. 8 above for the particular market where such sale is being made by the grower, multiplied by 1.40.

(b) A "secondary wholesaler" may add to the maximum price established by paragraph (a) of this order the cost of freight as defined in section 8 (a) (7) of Maximum Price Regulation 426 actually incurred in transporting lettuce from the terminal market to his customary wholesale receiving point, except that the

cost of local hauling and local unloading may not be added.

(c) "Intermediate Sellers," as defined in section 8 (a) (6) of Maximum Price Regulation No. 426, are subdivided and classified as follows:

1. "First Receiver" means any person who purchases lettuce in carlot or trucklot quantities and who resells in less than carlot or less than trucklot or less than carlot quantities to other intermediate sellers.

2. "Secondary wholesaler" means any person who purchases lettuce in less than

carlot or less than trucklot quantities from a "First Receiver" and who resells in smaller quantities to individual retail stores or to commercial, industrial, or institutional users.

(d) The provisions of this order shall be applicable only to deliveries made within Region I.

(e) This order may be revoked, amended, or corrected at any time.

(f) This order shall become effective August 28, 1943, at 12:01 a. m. and shall terminate September 26, 1943, at 11:59 p. m.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 27th day of August 1943.

KENNETH B. BACKMAN,
Regional Administrator.

[F. R. Doc. 43-14968; Filed, September 13, 1943; 11:38 a. m.]

[Region III Rev. Order G-22 Under 18 (c),
Amdt. 2]

**FLUID MILK IN DESIGNATED COUNTIES IN
KENTUCKY AND INDIANA**

Amendment No. 2 to Revised Order No. G-22 under § 1499.18 (c) as amended, of the General Maximum Price Regulation; (Formerly Order No. III-1499.18 (c) 34). Adjustment of the maximum prices of approved fluid milk and special milk sold at retail and wholesale in the County of Jefferson in the State of Kentucky and the counties of Floyd and Clark in the State of Indiana.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1499.18 (c), as amended, of the General Maximum Price Regulation, § 1351.807 of Maximum Price Regulation No. 280 and by Revised General Order No. 32, *It is hereby ordered*, That section X be amended to read as set forth below.

X. This Revised order may be modified, amended or revoked at any time by the Office of Price Administration.

This amendment to Order No. G-22 shall become effective August 31, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued August 30, 1943.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 43-14971; Filed, September 13, 1943; 11:39 a. m.]

[Region VIII Order G-12 Under MPR 329, Amdt. 4]

FLUID MILK IN LAKE CO., OREGON

Amendment No. 4 to Order No. G-12 under Maximum Price Regulation No. 329. Purchases of milk from producers for resale as fluid milk.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.408 of Maximum Price Regulation No. 329, Order No. G-12 under Maximum Price Regulation No. 329 is hereby amended as follows:

(a) Paragraph (a) (1) as amended is hereby further amended by adding at the end thereof the following:

Lake County..... \$0.80

This amendment shall become effective upon issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 27th day of August 1943.

LEO F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 43-14969; Filed, September 13, 1943; 11:39 a. m.]

[Region VIII Order G-19 Under MPR 329, Amdt. 2]

**FLUID MILK IN DESIGNATED COUNTIES
IN IDAHO AND WASHINGTON**

Amendment No. 2 to Order No. G-19 under Maximum Price Regulation No. 329. Purchases of milk from producers for resale as fluid milk.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.408 of Maximum Price Regulation No. 329, *It is hereby ordered*, That Order No. G-19 under Maximum Price Regulation No. 329 as amended be amended as follows:

(a) Paragraph (a) (1) is hereby further amended by adding at the end thereof the following:

Locality:	Maximum price per pound butter fat
Clearwater County, Idaho.....	\$0.85
Nez Perce County, Idaho.....	.85
Garfield County, Washington.....	.75

This amendment shall become effective upon issuance.

Issued this 30th day of August 1943.

LEO F. GENTNER,
Regional Administrator.

[F. R. Doc. 43-14970; Filed, September 13, 1943; 11:39 a. m.]

[Region VIII Order G-25 Under 18 (c),
Amdt. 7]

**FLUID MILK IN OREGON AND CERTAIN
PORTIONS OF WASHINGTON**

Amendment No. 7 to Order No. G-25 under § 1499.18 (c) as amended of the General Maximum Price Regulation. Fluid milk at wholesale and retail in the State of Oregon and certain portions of the State of Washington.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) as amended of the General Maximum Price Regulation, *It is hereby ordered*, That Order No. G-25 under § 1499.18 (c) as amended of the General Maximum Price Regulation be amended as set forth below:

(a) Paragraph (c) is hereby amended to read as follows:

(c) The adjusted maximum prices here and above specified are for fluid milk sold in glass containers. Except as provided in sub-paragraph (1) below, the adjusted maximum price under this order for any seller of fluid milk in paper or fibre containers affected by this order

shall be determined by determining the differential in cents between the seller's maximum price prior to this order for such fluid milk in paper or fibre containers and his maximum price prior to this order for fluid milk in glass containers of the corresponding size in the particular locality, and applying the same differential in cents to the seller's adjusted maximum price under this order for such fluid milk in glass containers.

(1) The adjusted maximum price for sales of milk in fibre containers in the City of Portland in the State of Oregon shall be the prices specified in paragraph (a) above plus \$0.01 for each container size.

This amendment shall become effective upon issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 30th day of August 1943.

LEO F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 43-14972; Filed, September 13, 1943; 11:38 a. m.]

[Region VIII Order G-30 Under 18 (c),
Correction]

CANNED ABALONE IN SAN DIEGO, CALIF.

Order No. G-30 under § 1499.18 (c) of the General Maximum Price Regulations, as amended; correction to Order No. G-30. Canned Abalone.

Paragraph (a) of said order is hereby corrected to read as follows: The adjusted maximum price at which the Marine Products Company of San Diego, California, may sell canned abalone, imported from Mexico, f.o.b. San Diego, California, shall be \$13.75 per case of 48 sixteen ounce, No. 1 tall cans.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7851)

Issued this 1st day of September 1943.

LEO F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 43-14973; Filed, September 13, 1943; 11:39 a. m.]

[Region VII Order G-31 Under 18 (c),
Amdt. 1]

FLUID MILK IN OROFINO, IDAHO

Amendment No. 1 to Order No. G-31 under § 1499.18 (c) as amended of the General Maximum Price Regulation. Sales of fluid milk at wholesale and retail in certain localities in the State of Idaho.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) as amended of the General Maximum Price Regulation, *It is hereby ordered*, That Order No. G-31 under § 1499.18 (c) as amended of the General Maximum Price Regulation be amended as set forth below:

(a) Paragraph (a) is hereby amended by adding at the end thereof the following:

THE CITY OF OROFINO
[Not less than 3.8% milk fat]

Quantity	Whole- sale price	Retail price
Gallon container (glass).....	\$0.40	\$0.45
Quart container.....	.11	.13

This amendment shall become effective upon issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 30th day of August 1943.

L. F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 43-14974; Filed, September 13, 1943; 11:38 a. m.]

[Region VIII Order G-48 under 18 (c)]

PLASTER BOARD LATH IN WEST COAST AREA

Order No. G-48 under § 1499.18 (c) of the General Maximum Price Regulation as amended. Order adjusting maximum prices for resale of plaster board lath.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, as amended, *It is hereby ordered*:

(a) The adjusted maximum price at which any person other than a manufacturer may sell plaster board lath, purchased from manufacturers located outside of Region VIII, to contractors, for use in the performance of building contracts with Federal Public Housing, shall be the seller's maximum price for the particular commodity, plus any increase in the net landed cost thereof by reason of the cost of transporting the said commodity from a point outside of Region VIII.

(b) *Definition.* (1) "Region VIII" as herein used means the States of California, Washington, Nevada, Oregon, except Malheur and Harney Counties, and Arizona, except those portions of Coconino County and Mohave County lying North of the Colorado River; and the following counties in the State of Idaho: Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone, and Idaho.

(c) This order may be revoked, amended or corrected at any time.

This order shall become effective August 28, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 28th day of August 1943.

L. F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 43-14976; Filed, September 13, 1943; 11:40 a. m.]

[Region VIII Order G-48 Under 18 (c),
Amtd. 1]

PLASTER BOARD LATH AND SHEETING IN
WEST COAST AREA

Amendment No. 1 to Order No. G-48 under § 1499.18 (c) as amended, of the

General Maximum Price Regulation. Order adjusting maximum prices for resale of gypsum wallboard, lath and sheeting.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) as amended, of the General Maximum Price Regulation, *It is hereby ordered*, That paragraph (a) be amended to read as follows:

(a) The adjusted maximum prices at which any person other than a manufacturer may sell gypsum wallboard, lath or sheeting purchased from a manufacturer located outside of Region VIII, to contractors, for use in the performance of building contracts with Federal Public Housing, shall be the seller's maximum price for the particular commodity, plus any increase in the net landed cost thereof by reason of the cost of transporting the said commodity from a point outside of Region VIII.

This amendment No. 1 to Order No. G-48 shall become effective September 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 1st day of September, 1943.

L. F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 43-14975; Filed, September 13, 1943; 11:40 a. m.]

[Region VIII Order G-49 Under 18 (c)]

FIREWOOD IN SNOHOMISH CO., WASH.

Order No. G-49 under § 1499.18 (c) of the General Maximum Price Regulation as amended. Certain firewood in Snohomish County, Washington.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) as amended of the General Maximum Price Regulation, *It is hereby ordered*:

(a) The maximum prices for certain sales and deliveries of forest wood, old or second growth, green or dry, in Snohomish County, Washington, as established by sections 2 and 3 of the General Maximum Price Regulation or by any previous order issued pursuant to such regulation or to any supplementary regulation thereto, are hereby adjusted so that the maximum prices therefor shall be the prices set forth as follows:

(1) For sales to a dealer for resale to a consumer in the City of Arlington or in the area within five miles of the corporate limits thereof, \$8.25 per cord on the ground in the woods within Snohomish County, Washington.

(2) For sales delivered to the premises of a consumer in the city of Arlington or in the area within five miles of the corporate limits thereof, \$11.50 per cord.

(b) No seller shall evade any of the provisions of this order by changing his customary allowances, discounts or other price differentials unless the change results in a lower price.

(c) This order may be revoked, amended, or corrected at any time.

This order shall become effective upon its issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 31st day of August 1943.

L. F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 43-14977; Filed, September 13, 1943; 11:40 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-767]

MILWAUKEE LIGHT, HEAT & TRACTION CO.,
ET AL.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 10th day of September 1943.

In the matter of Milwaukee Light, Heat & Traction Company, The North American Company, and The Milwaukee Electric Railway & Transport Company.

The North American Company, a registered holding company, and Milwaukee Light, Heat & Traction Company, a wholly owned subsidiary of The North American Company, having filed a joint application and declaration on July 28, 1943 pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 and the General Rules and Regulations promulgated thereunder, and The Milwaukee Electric Railway & Transport Company, an indirect subsidiary of The North American Company, having joined in said application and declaration by an amendment filed on August 28, 1943; said joint application and declaration, as amended, relating to (a) the proposal of Milwaukee Light, Heat & Traction Company to distribute its total assets, consisting primarily of cash and securities of Hevi-Duty Electric Company, as a liquidating dividend (after payment of all existing indebtedness) to The North American Company; (b) the proposal of The North American Company to cancel certificates representing 3,995 shares of the 4,000 shares of the outstanding capital stock of Milwaukee Light, Heat & Traction Company and deliver the cancelled certificates to the latter company and to transfer the remaining 5 shares of said stock to The Milwaukee Electric Railway & Transport Company in consideration of the payment of one dollar; and (c) the proposal of The Milwaukee Electric Railway & Transport Company to purchase said 5 shares of stock for the consideration of one dollar; and

Said joint application and declaration having been filed on July 28, 1943, and notice of said filing having been duly given in the manner and form prescribed by rule U-23 under said Act, and the Commission not having received a request for a hearing with respect to said joint application and declaration within the period specified in such notice, or

otherwise, and not having ordered a hearing thereon; and

The Commission finding that the requirements of sections 10, 12 (c), and 12 (f) and rules U-42, U-43 and U-46 are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers to approve said application and to permit said declaration to become effective;

It is hereby ordered, Pursuant to said rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in rule U-24 that said joint application, as amended, be and the same is hereby approved, and that said joint declaration, as amended, be and the same is hereby permitted to become effective forthwith. Nothing herein shall be deemed to be in contravention to the order of the Commission of April 14, 1942, Release No. 3405, requiring that The North American Company sever its relationship with Hevi-Duty Electric Company in any appropriate manner not in contravention with the said Act or any of the rules and regulations promulgated thereunder.

By the Commission.

[SEAL]

ORVAL L. DUBoIS,
Secretary.

[F. R. Doc. 43-14987; Filed, September 14, 1943; 9:57 a. m.]

[File No. 7-676]

JONES & LAUGHLIN STEEL CORP.
ORDER GRANTING APPLICATION

In the matter of application by the Cleveland Stock Exchange for permis-

sion to extend unlisted trading privileges to Jones & Laughlin Steel Corporation common stock, no par value.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 13th day of September, A. D. 1943.

The Cleveland Stock Exchange having made application to the Commission, pursuant to section 12 (f) of the Securities Exchange Act of 1934 and Rule X-12F-1, for permission to extend unlisted trading privileges to the Common Stock, No Par Value, of Jones & Laughlin Steel Corporation; and

After appropriate notice a hearing having been held in this matter at the Cleveland Office of the Commission; and

The Commission having this day made and filed its findings and opinion herein;

It is ordered, Pursuant to section 12 (f) of the Securities Exchange Act of 1934, that the application of the Cleveland Stock Exchange for permission to extend unlisted trading privileges to the Common Stock, No Par Value, of Jones & Laughlin Steel Corporation be and the same is hereby granted.

By the Commission.

[SEAL]

ORVAL L. DUBoIS,
Secretary.

[F. R. Doc. 43-14988; Filed, September 14, 1943; 9:57 a. m.]

GUARANTY UNDERWRITERS, INC.

ORDER REVOKING REGISTRATION

In the matter of Guaranty Underwriters, Inc.; 310 West Adams Street, Jacksonville, Florida.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 11th day of September, A. D. 1943.

The Commission having by order instituted proceedings pursuant to sections 15 (b) and 15A of the Securities Exchange Act of 1934 to determine whether the registration of Guaranty Underwriters, Inc., respondent herein, as a broker-dealer pursuant to section 15 of the Act should be revoked and whether or not respondent should be suspended or expelled from the National Association of Securities Dealers, Inc., a registered securities association;

Respondent having filed a notice of withdrawal from registration, having stated that it had ceased to do business as a broker-dealer, having consented to the revocation of its registration, and having resigned from the National Association of Securities Dealers, Inc.;

Hearings having been held after appropriate notice, and the Commission having this day filed its findings and opinion;

It is ordered, on the basis of said findings and opinion and pursuant to section 15 (b) of said Act, that respondent's notice of withdrawal from registration and its statement that it has ceased to do business as a broker-dealer be and they hereby are denied effectiveness; and that the registration of respondent be and it hereby is revoked, effective September 15, 1943.

By the Commission.

[SEAL]

ORVAL L. DUBoIS,
Secretary.

[F. R. Doc. 43-14985; Filed, September 14, 1943; 9:57 a. m.]

